



# The North Wales Wind Farms Connection Project

Draft Development Consent Order v3

Application reference: EN020014

**Deadline 3 Submission**

October 2015



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

Document reference 3.1 v3

**The Planning Act 2008**

**The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009**

**Regulation 5(2)(b)**

**The North Wales Wind Farms Connection Project**

**Draft Development Consent Order**

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## SP Manweb Plc

### North Wales Wind Farms Connection Project Draft Development Consent Order

#### Explanation of changes between the Development Consent Order v2 (submitted September 2015) and Development Consent Order v3 (submitted October 2015)

#### Deadline 3

October 2015

DCO reference	Reason for change
Article 2 Definitions	<p>The definition of 'operate' has been deleted and this has resulted in consequential amendments, which include the deletion of the definition of 'distribution'. There are also amendments throughout the order to replace the word 'operate' with 'use'. This has also required the inclusion of a definition of 'distribution system'.</p> <p>These changes have been made following representations at the DCO hearing, where third parties indicated that they would prefer that the word 'use' was adopted in favour of 'operate'.</p>
Article 4	<p>This article had been amended so that it is clear that the undertaker may maintain the authorised development, up to the end of the decommissioning period. A new definition has been inserted into article 2, which defines the decommissioning period.</p>
Article 18	<p>Article 18 has been amended to place a requirement on the undertaker to make good any damage caused to the land where it digs a trial hole. This amendment was discussed in the DCO hearing.</p>
Article 22	<p>A new article 22 has been inserted. It provides that the undertaker must not exercise its powers of compulsory acquisition until such time as it has been demonstrated to the Secretary of State that it has sufficient funds to cover its compulsory acquisition liabilities.</p>
Article 28	<p>Article 28 has been amended to provide the undertaker with the ability to use land within the Order limits for the purposes of decommissioning the authorised development. This is necessary because the rights that SP Manweb will acquire over land compulsorily, for the purposes of decommissioning, relate only to the blue land. SP Manweb will also require land within the land shown yellow on the Land Plans (and to be used for construction</p>

	<p>and maintenance) for the purposes of decommissioning and therefore this article has been amended to provide for this.</p> <p>The article should be considered alongside requirement 18, which requires the details of the decommissioning process to be submitted and agreed in writing with the relevant planning authorities. The details will also include the timeframe within which the decommissioning and reinstatement is to be completed.</p> <p>It should be noted that Article 28 is not an article which provides for powers of compulsory acquisition.</p>
Article 33	<p>It is agreed that the provisions of the Land Drainage Act 1991 are not capable of being disapplied pursuant to the Infrastructure Planning (Miscellaneous Prescribed Provisions) Regulations 2010 (these provisions remain the correct regulations for applications made prior to 6 April 2015). Sub-paragraph (d) has therefore been deleted from the order.</p> <p>An amendment has also been included to article 33(a) in light of NRW's representation that the Water Resources Act 1991 may be amended.</p>
Schedule 1	<p>The description of Work no.4 has been amended to include reference to bunding for fuel storage tanks within the construction compound. This change was requested by the Examining Authority.</p>
Schedule 2	<p>The relevant planning authorities asked SP Manweb to consider making changes to the syntax in respect of the pre-commencement requirements.</p> <p>SP Manweb has considered this request and made amendments to Schedule 2. The amendments do not provide the drafting requested by the relevant planning authorities – to include the wording 'The authorised development must not commence for each stage until...'. The drafting adopted by SP Manweb follows other made orders and is considered to be acceptable.</p>
Schedule 2 Definitions	<p>The definition of the decommissioning and restoration plan has been amended following comments from NRW and landowners that it may be appropriate in certain circumstances for part of the overhead line, such as the base of a pole, to remain. Therefore, the definition refers to the removal of "all, or part of," numbered works 1A and 1B. The decommissioning and restoration plan is to be agreed with the relevant planning authorities, in consultation with NRW.</p> <p>Definitions have also been inserted following the amendments to the landscaping requirements. Definitions of 'landscape planting',</p>

	'new tree', 'owner' and 'reinstatement planting' have been added as a result.
Schedule 2 Requirement 5	<p>Requirement 5 has been updated to accord with discussions during the hearings. It applies to the planting to take place on the dark green land and the dark green stippled land shown on the Land Plans.</p> <p>The dark green land on the Land Plans are the areas where new trees, shrubs and other soft landscaping is proposed (Class 3 Rights) for enhancement or mitigation purposes. The requirement provides that SP Manweb will submit to the relevant planning authorities for approval a written landscaping scheme (following consultation with relevant landowners). There will also be a maintenance scheme for this planting, again to be approved by the relevant planning authorities.</p> <p>The stipple green over the yellow land on the Land Plans are the areas where new trees, shrubs and other soft landscaping is proposed (for enhancement or mitigation purposes) which is on land that will be used for temporary construction works (Class 2 and Class 3 Rights). This planting will be subject to the same provisions as in relation to the dark green land on the Land Plans.</p>
Schedule 2 Requirement 6	<p>Requirement 6 has been amended.</p> <p>It provides that where any planting is removed, dies or becomes seriously damaged or diseased, such planting will be replaced within 5 years. It is important to note that this requirement would not override any maintenance regime agreed pursuant to requirement 5 and 7.</p>
Schedule 2 Requirement 7	<p>Requirement 7 has been updated to accord with discussions during the hearings. It applies to the planting to take place on the blue and yellow land shown on the Land Plans.</p> <p>The yellow land and blue land on the Land Plans are the areas where reinstatement planting is to take place (i.e. where hedgerows have been removed to enable the construction of the Proposed Development, these hedgerows will be reinstated). This reinstatement may also include improvements to vegetation; e.g. where a hedgerow had gaps, the Applicant would intend to restore those gaps. This reinstatement planting can only include improvement measures on the blue and yellow land where agreement has been reached with the relevant landowner over the improvement measures. It should be noted that where the Landscaping Plans show hedgerows with tree planting, these are hedgerows with trees already in them. The Landscaping Plans are not showing that each circle would be a tree or indeed a new tree, rather the Landscaping Plans are showing those</p>

	hedgerows that would need reinstating and, at the same time improvement planting could be carried out.
Schedule 2 Requirement 10	<p>Sub-paragraph 3 of this requirement, which relates to construction hours, provides for activities which can be undertaken outside of the core working hours. The activities within sub-paragraphs (b) and (c) have been limited so that they can only take place outside of the core working hours within the Broadleys compound.</p> <p>A new sub-paragraph (4) has been inserted that restricts the use of artificial lighting other than at the Broadleys compound.</p>
Schedule 2 Requirement 12/13	Both requirements 12 and 13 have been amended to remove reference to consulting with the County Archaeologist (in respect of requirement 12) and the County Ecologist (in respect of requirement 13) and replaced with the relevant planning authority. This change has been made to future proof the DCO, should the position of the County Archaeologist/Ecologist become redundant.
Schedule 2 Requirement 13	<p>As per discussions during the issue specific hearings, requirement 13 has been amended so that it provides a requirement on the undertaker to:</p> <p>(a) undertake an existing condition survey of the highways prior to the commencement of development; and</p> <p>(b) make good any damage to the highway network, where this is as a result of the construction of the authorised development.</p>
Schedule 2 Requirement 15	Requirement 15 has been amended to require the undertaker to carry out a photographic condition survey prior to any land being used temporarily for construction.
Schedule 2 Requirement 16	Requirement 16 has been amended so that the relevant planning authority is required to consult NRW before providing any consent pursuant to requirement 16(1).
Schedule 2 Requirement 18	The decommissioning requirement has been simplified following discussions at the issue specific hearing on 2 October 2015. This approach has been adopted to take in to account the representations made at that hearing. The requirement to decommission only if numbered works 1A and 1B is not in use, rather than specifying a specific period, is taken from the draft Hinkley Point C Connection development consent order submitted prior to the examination closing in July of this year. There is then a requirement for a decommissioning and restoration plan to be submitted for approval within 3 months of the notice to the relevant planning authorities and thereafter the undertaker must implement the approved plan. There is no

	<p>specified period for the decommissioning and restoration plan to be implemented as this timescale will be agreed with the relevant planning authorities and will form part of the approved plan. This is appropriate as the period in which it will take to decommission the 132 kV overhead line and reinstate the land will vary depending on the procurement process, the time of the year the works are to be undertaken and the ability to get the appropriate environmental licences in place</p>
Schedule 2 Requirement 19	<p>A further requirement has been included which means that SP Manweb cannot commence construction of the authorised development until it has consent to connect the 132 kV Overhead Line into the distribution network. This amendment had been made following discussions during the issue specific hearings.</p>
Schedule 9 Part 2	<p>The protective provisions for the benefit of Dwr Cymru Cyfyngedig are in agreed form. The amendments shown are amendments that have been agreed with the statutory undertaker.</p>
Schedule 9 Part 3	<p>The protective provisions for the benefit of NRW have been amended so that they are expressed for the benefit of both NRW and the relevant planning authorities (the consenting authority). This change has been made as it was confirmed that NRW is not the consenting authority for consents pursuant to the Land Drainage Act 1991.</p> <p>The protective provisions will apply as follows:</p> <p>(a) for the benefit of NRW where works require consent pursuant to section 109 of the Water Resources Act 1991; and</p> <p>(b) for the benefit of the relevant planning authorities where works require consent pursuant to section 23 of the Land Drainage Act 1991.</p>
Schedule 10	<p>The inclusion of the wording 'unless otherwise agreed in writing' in paragraphs 1(2) and 2(2) were requested by NRW and agreed by SP Manweb.</p>

**SP Manweb Plc**

**16 October 2015**

201[ ] No. [ ]

**INFRASTRUCTURE PLANNING**

**The North Wales Wind Farms Connection Order**

*Made* - - - - - \*\*\*

*Coming into force* - - - - - \*\*\*

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An application has been made to the Secretary of State in accordance with section 37 of the Planning Act 2008<sup>(a)</sup> and the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009<sup>(b)</sup> for an Order under sections 37, 114, 115, 117(4), 120 and 141 of the 2008 Act.

The application was examined by the Examining authority appointed by the Secretary of State pursuant to Chapter 4 of Part 6 of that Act.

The Secretary of State, in accordance with section 104(2) of that Act, has had regard to the relevant national policy statements, [the local impact reports submitted by Conwy County Borough Council and Denbighshire County Council] and those matters which the Secretary of State thinks are both important and relevant to his decision.

The Secretary of State, having considered the representations made and not withdrawn and the application with the documents that accompanied the application, has determined to make an Order giving effect to the proposals comprised in the application.

The Secretary of State's determination was published on [X].

Accordingly, the Secretary of State, in exercise of the powers conferred by sections 103, 114, 115, 120 and 122 of that Act, makes the following Order—

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(a) 2008 c.29.  
 (b) S.I. 2009/2264, as amended by the Localism Act 2011 (Infrastructure Planning) (Consequential Amendments) Regulations 2012/635, the Public Bodies (Abolition of the Commission for Rural Communities) Order 2012/2654, the Local Policing Bodies (Consequential Amendments No 2) Regulations 2012/2732 and the Infrastructure Planning (Prescribed Consultees) (Amendments) Regulations 2013/522.

# PART 1

## PRELIMINARY

### Citation and commencement

1. This Order may be cited as the North Wales Wind Farms Connection Order 201[X] and comes into force on [X] 201[X].

### Interpretation

2.—(1) In this Order—

- “the 1961 Act” means the Land Compensation Act 1961(a);
- “the 1965 Act” means the Compulsory Purchase Act 1965(b);
- “the 1980 Act” means the Highways Act 1980(c);
- “the 1984 Act” means the Road Traffic Regulation Act 1984(d);
- “the 1990 Act” means the Town and Country Planning Act 1990(e);

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- (a) 1961 c.33. Section 1 was amended by paragraphs 37(a) and (b) of Schedule 1 to the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307; Sections 2 and 3 were repealed by paragraph 38 of Schedule 1 to the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307; Section 4 was amended by paragraphs 39(a), (b) and (c) of Schedule 1 to the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307. There are other amendments to the 1961 Act which are not relevant to this Order.
  - (b) 1965 c.56. Sections 7, 9, 12, and 22, paragraph 2 of Schedule 2 and paragraphs 2(3) and 7(2) of Schedule 4 were amended by section 9(3) and paragraph 5 of Schedule 3 to the Gas Act 1986 (c.44), section 245(4) of the Town and Country Planning Act 1990 (c.8), section 151(5) and paragraph 2(1) of Schedule 18 to the Water Act 1989 (c.15), section 13(2) of the Local Government (Miscellaneous Provisions) Act 1976 (c.57), section 7(1)(b) of the Compulsory Purchase (Vesting Declarations) Act 1981 (c.66), section 30(1) of the Acquisition of Land Act 1981 (c.67) and section 129 of the Local Government Act 1972 (c.70), words of enactment omitted under authority of section 3 of the Statute Law Revision Act 1948 (c.62); Section 8 was amended by paragraphs 62(a), (b) and (c) of Schedule 1 to the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307; Section 9 was also amended by section 52(10)(a) of the Land Compensation Act 1973 (c.26), section 13(3) and paragraphs 4 and 5 to Schedule 3 of the Agriculture (Miscellaneous Provisions) Act 1968 (c.34) and paragraph 16(1) of Schedule 2 to the Telecommunications Act 1984 (c.12); Section 10 was amended by paragraph 63 of Schedule 1 to the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307 and paragraphs 13(2)(a) and (b) of Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c.11); Section 11 was amended by paragraphs 14(3)(a) and (b) of Schedule 4 to the Acquisition of Land Act 1981 (c.67), paragraph 12(1) of Schedule 5 to the Church of England (Miscellaneous Provisions) Measure 2006 No.1, section 3 and Schedule 1 Part 1 to the Housing (Consequential Provisions) Act 1985 (c.71) and paragraph 64 of Schedule 1 to the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307; Section 12 was also amended by section 13(3) and paragraphs 4 and 5 of Schedule 3 to the Agriculture (Miscellaneous Provisions) Act 1968 (c.34), paragraph 16(1) of Schedule 2 to the Telecommunications Act 1984 (c.12); Section 12(3) was also amended by section 56(2) and Part I of Schedule 9 to the Courts Act 1971 (c.23); Section 13 was amended by section 139 (5), (6), (7), (8), (9), paragraph 28(2) of Schedule 13 and paragraph 1 of Schedule 23(3) to the Tribunals, Courts and Enforcement Act 2007 (c.15); Section 20 was amended by paragraph 4 of Schedule 15(I) to the Planning and Compensation Act 1991 (c.34) and paragraph 70 of Schedule 1 to the Transfer of Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307; Section 22 was also excluded by section 10(3) of the Compulsory Purchase (Vesting Declarations) Act 1981 (c.66), extended by paragraph 16(1) of Schedule 2 to the Telecommunications Act 1984 (c.12) and modified by paragraphs 4 and 5 of Schedule 3 to the Agriculture (Miscellaneous Provisions) Act 1968 (c.34). Paragraph 2 of Schedule 2 was also modified by section 13(3) and paragraphs 4 and 5 of Schedule 3 to the Agriculture (Miscellaneous Provisions) Act 1968 (c.34), section 10(2) of the Compulsory Purchase (Vesting Declarations) Act 1981 (c.66), paragraph 14 of Schedule 3A to the Town and Country Planning Act 1968 (c.72) and Schedule 2, Appendix A to the Land Commission (Dissolution) Act 1971 (c.18).
  - (c) 1980 c.66. Section 328 was amended by section 54 (1) of the Town and Country Planning Act 1990 (c.8); Section. There are other amendments to the 1980 Act which are not relevant to this Order.
  - (d) 1984 c.27. Section 1 was amended by section 45 of the Local Transport Act 2008 (c.26) and paragraph 7 of Schedule 11 to the Transport Act 2000 (c.38).Section 9 was amended by paragraphs 23(2), (3) and (4) of Schedule 8 (II) to the New Roads and Streets Works Act 1991 (c.22), paragraph 24 of Schedule 4 to the Road Traffic Act 1991 (c.40) and sections 1, 2 and 8(1) and paragraph 5(4) of Schedule 5 to the Local Government Act 1985 (c.51); and Section 22BB was amended by section 72 of the Natural Environment and Rural Communities Act 2006 (c.16).
  - (e) 1990 c.8. Section 56 was amended by paragraph 10(1) and (2) of Schedule 6 to the Planning and Compensation Act 1991 (c.34), paragraph 2(a) and (b) of Schedule 12 to the Localism Act 2011 (c.20) and section 40(2)(a) of the Planning and Compulsory Purchase Act 2004 (c.5).

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

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

“access and rights of way plans” means the plans identified with document reference numbers 2.4.0 - 2.4.13 (version 0) certified as the access and rights of way plans by the Secretary of State for the purposes of this Order;

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

“apparatus” has the same meaning as in Part 3 of the 1991 Act;

“authorised development” means the development described in Schedule 1 (authorised development) which is development within the meaning of section 32 of the 2008 Act;

“the book of reference” means the book of reference (version 2) certified by the Secretary of State as the book of reference for the purposes of this Order;

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

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- (a) 1991 c.22. Section 48 was amended by section 142(2) of the Local Transport Act 2008 (c.26); Section 50 was amended by section 124(3) of the Local Transport Act 2008 (c.26); Section 51 was amended by paragraph 1 of Schedule 1 to the Traffic Management Act 2004 (c.18); Section 54 was amended by the transitional provisions specified in article 6(1)-(3) and (5) of SI 2007/3174 and by section 49(1) and paragraph 1 of Schedule 1 to the Traffic Management Act 2004 (c.18); Section 55 was amended by section 51(9) and paragraph 1 of Schedule 1 to the Traffic Management Act 2004 (c.18), and subject to transitional provisions specified in article 6(4) and (5) of SI 2007/3174 and section 49(2) of the Traffic Management Act 2004 (c.18); Section 56 was amended by paragraph 1 of Schedule 1 to the Traffic Management Act 2004 (c.18), and wording was amended subject to transitional provisions specified in article 5 of SI 2007/3174 by section 43 of the Traffic Management Act 2004 (c.18); Section 56A was inserted subject to transitional provisions specified in article 4 of SI 2007/1890, article 5 of SI 2007/3174 and to Section 44 of the Traffic Management Act 2004 (c.18); Section 57 was amended by section 52(3) and paragraph 1 of Schedule 1 to the Traffic Management Act 2004 (c.18); Section 58 was amended subject to transitional provisions specified in article 7 of SI 2007/3174, article 6 of SI 2007/1890, and paragraph 1 of Schedule 1 to the Traffic Management Act 2004 (c.18); Section 58A was inserted subject to transitional provisions specified in article 7 in SI 2007/1890, article 8 in 2007/3174 and section 52(1) of the Traffic Management Act 2004 (c.18); Section 59 was amended by section 42 of Traffic Management Act 2004 (c.18); Section 60 was amended by paragraph 1 of Schedule 1 to the Traffic Management Act 2004 (c.18); Section 64 was amended by section 52(4) of the Traffic Management Act 2004 (c.18) and by paragraph 12 of Schedule 7 to the Road Traffic Act 1991 (c.40); Section 65 was amended by paragraph 1 of Schedule 1 to the Traffic Management Act 2004 (c.18); Section 66 was amended by paragraph 1 of Schedule 1 to the Traffic Management Act 2004 (c.18); Section 67 was amended by paragraph 1 of Schedule 1 to the Traffic Management Act 2004 (c.18); Section 68 was amended by paragraph 1 of Schedule 1 to the Traffic Management Act 2004 (c.18); Section 69 was amended by paragraph 1 of Schedule 1 to the Traffic Management Act 2004 (c.18); Section 70 was amended subject to transitional provisions specified in article 9 in SI 2007/3174 by section 54 of the Traffic Management Act 2004 (c.18) and by section 40(3) of that same Act; Section 71 was amended by paragraph 1 of Schedule 1 to the Traffic Management Act 2004 (c.18); Section 74 was amended by sections 256(3)(a), (3)(b), (4), (5), (6) and (7) of the Transport Act 2000 (c.38) and by sections 40(4) and 52(5) of the Traffic Management Act 2004 (c.18); Section 74A was amended by section 255(1) of the Transport Act 2000 (c.38) and section 40(4) of the Traffic Management Act 2004 (c.18); Section 74B was amended by section 255(1) of the Transport Act 2000 (c.38); Section 79 was amended by paragraph 1 of Schedule 1 to the Traffic Management Act 2004 (c.18); Section 83 was amended by paragraph 1 of Schedule 1 to the Traffic Management Act 2004 (c.18); Section 88 was amended by sections 52(6) and 40(5) of the Traffic Management Act 2004 (c.18); Section 89 was amended by section 52(7) of the Traffic Management Act 2004 (c.18) and by paragraph 57(1) of Schedule 1 to the Water Consolidation (Consequential Provisions) Act 1991 (c.60); Section 92 was amended by paragraph 1 of Schedule 1 to the Traffic Management Act 2004 (c.18); Section 93 was amended by section 49(3) of the Traffic Management Act 2004 (c.18); Section 94 was amended by paragraph 32(1) of Schedule 7(1) to the Local Government (Wales) Act 1994 (c.19); Section 95A was inserted subject to transitional provisions specified in article 3 of SI 2007/1890, article 3 of SI 2007/3174 and by section 41(1) of the Traffic Management Act 2004 (c.18); Section 106 was amended by section 41(2) of the Traffic Management Act 2004 (c.18). There are other amendments to the 1991 Act which are not relevant to this Order.
- (b) 2008 c.29. Section 14 was amended by article 2(2) of the Infrastructure Planning (Waste Water Transfer and Storage) Order 2012/1645; Section 37 was amended by paragraph 5(2) and (3) and section 137(5) of the Localism Act 2011 (c.20); Section 103 was amended by paragraph 48(4) of Schedule 13(1) and paragraph 1 of Schedule 25(20) to the Localism Act 2011 (c.20); Section 104 was amended by paragraphs 49(2),(3)(a),(3)(b), (3)(c), (4), (5)(a), (5)(b), (6) and (7) of Schedule 13(1) to the Localism Act 2011 (c.20), as well as by section 58(5) of the Marine and Coastal Access Act 2009 (c.23) Section 114 was amended by paragraphs 55(2)(a), (2)(b) and (3) of Schedule 13(1) to the Localism Act 2011 (c.20); Section 115 was amended by paragraph 1 of Schedule 25(2) to the Localism Act 2011 (c.20); Section 117 was amended by paragraph 58(3)(a), (3)(b), (4) and (5) of Schedule 13(1) to the Localism Act 2011 (c.20) and by paragraph 58(3)(a) of Schedule 13(1) to the same Act; Section 120 was amended by section 140 and paragraph 60(2) and (3) of Schedule 13(1) to the Localism Act 2011 (c.20); Section 122 was amended by section 140 and paragraph 62 of Schedule 13(1) to the Localism Act 2011 (c.20); Section 127 was amended by section 23(2)(a), 23(2)(b) and 23(2)(c) of the Growth and Infrastructure Act 2013, c.27 and by paragraph 64(2) of Schedule 13(1) to the Localism Act 2011 (c.20); Section 134 was amended by 142(2)(a) and (3) and paragraph 1 of Schedule 25(21) to the Localism Act 2011 (c.20); Section 138 was amended by section 23(4)(a), (b) and (c) of the Growth and Infrastructure Act 2013 (c.27); Section 152 was amended by paragraph 293 of Schedule 1 to the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307.

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

“date of final commissioning” means the date on which the authorised development first comes into use by distributing electricity at 132kV on a commercial basis;

“the decommissioning period” means the period in which the decommissioning works are to take place, as agreed with the relevant planning authority in the decommissioning and restoration plan to be approved pursuant to requirement 18;

“design and construction report” means the design and construction report (version 1) document reference 7.1 and 7.2 submitted with the application and certified as the design and construction report by the Secretary of State for the purposes of this Order;

“distribution system” means the system consisting (wholly or mainly) of electric lines owned or operated by SP Manweb PLC that is used for the distribution of electricity from grid supply points or generation sets or other entry points to the points of delivery to customers or authorised electricity operators;

“electronic transmission” means a communication transmitted—

(a) by means of an electronic communications network; or

(b) by other means but while in electronic form;

“the environmental statement” means the environmental statement submitted under regulation 5(2)(a) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 and certified as such by the Secretary of State for the purposes of this Order;

“footpath” and “footway” have the same meaning as in the 1980 Act;

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

“the land plans” means the plans identified with document reference numbers 2.2.0-2.2.10 (revision 0), 2.2.11 (revision 1), 2.2.12-2.2.13 (revision 0) certified as the land plans by the Secretary of State for the purposes of this Order;

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

“maintain” includes inspect, repair, adjust, alter, remove, reconstruct, replace or relay the authorised development, but not so as to vary the authorised development as described in Schedule 1, and any derivative of “maintain” is to be construed accordingly;

“NRW” means Natural Resources Wales of Ty Cambria, 29 Newport Road, Cardiff CF24 0TP;

“Order land” means the land required for, or required to facilitate or is incidental to, or affected by, the authorised development shown on the land plans and described in the book of reference;

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

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

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(a) 1981 c.67. Section 4 was amended by paragraph 150 of Schedule 1 to the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307; Section 7 was amended by section 70 and paragraph 9 of Schedule 15 to the Planning and Compensation Act 1991 (c.34), paragraph 52 of Schedule 13 to the Local Government Finance Act 1992 (c.14), paragraph 53 of Schedule 1 to the Fire and Rescue Services Act 2004 (c.21), paragraph 9 of Schedule 15(I) to the Planning and Compensation Act 1991 (c.34), paragraph 54(2) of Schedule 1(1) to the Postal Services Act 2000 (Consequential Modifications No. 1) Order 2001/1149, paragraph 110(a) and (b) of Schedule 12(3) to the Postal Services Act 2011 (c.5), section 100(3) of the Planning and Compulsory Purchase Act 2004 (c.5) and paragraph 23 of Schedule 3 to SI 1990/776. Part 2 of Schedule 2 was amended by section 67(1)(3), and paragraphs 2(1)(xiii) and 2(10)(d) of Schedule 7 and paragraph 33 of Schedule 8 to the Gas Act 1986 (c.44), section 190 and paragraph 1(2) and (10) of Schedule 25 to the Water Act 1989 (c.15), sections 112(1)(3), paragraph 2(2)(9)(g) of Schedule 16 and paragraphs 33 and 35(1) of Schedule 17 to the Electricity Act 1989 (c.29). Part 3 of Schedule 2 was amended by paragraph 151 of Schedule 1 to the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307.

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

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

“requirements” means those matters set out in Schedule 2 to this Order;

“SP Manweb PLC” means SP Manweb PLC (company registration number 02366937) whose registered office is at 3 Prenton Way, Prenton, CH43 3ET;

“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 any footpath and “street” includes any part of a street;

“street authority”, in relation to a street, has the same meaning as in Part 3 of the 1991 Act and where the undertaker has carried out works that remove a temporary street to restore the land to its former condition pursuant to this Order the term street authority shall mean the freehold owner of the land on which the restoration works have been carried out;

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

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

“undertaker” means the person who has the benefit of this Order in accordance with articles 7 and 8;

“use” means to utilise the SP Manweb PLC distribution system;

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

“the works plans” means the plans identified with document reference numbers 2.3.0-2.3.13 (revision 0) certified as the works plans by the Secretary of State for the purposes of this Order.

(2) References in this Order to rights over land include references to rights to do or to place and maintain anything in, on or under land or in the air-space above its surface and references in this Order to the imposition of restrictions are references to restrictions over land which interfere with the interests or rights of another and are for the benefit of land over which rights are acquired and created under this Order.

(3) All distances, directions and lengths referred to in this Order are approximate and distances between points are taken to be measured between the referenced points.

(4) All areas described in square metres in the book of reference are approximate.

(5) References in this Order to numbered works are references to the works comprising the authorised development as numbered in Schedule 1 and shown on the works plans and a reference to numbered work 1 means numbered works 1A and 1B, a reference to numbered work 2 means numbered works 2A and 2B and a reference to numbered work 3 means numbered works 3A and 3B.

(6) 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 and rights of way plans.

(7) The expression “includes” is to be construed without limitation.

## PART 2

### PRINCIPAL POWERS

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

3.—(1) Subject to the provisions of this Order and to the requirements, the undertaker is granted development consent for the authorised development to be carried out within the Order limits.

(2) Subject to article 5 (limits of deviation), each numbered work must be constructed and installed on the corresponding numbered line or within the numbered area shown on the works plans.

### **Maintenance of authorised development**

4.—(1) Except to the extent that this Order or an agreement made under this Order provides otherwise and subject to the provisions of this Order and to the requirements, the undertaker is authorised to, and may at any time, maintain the authorised development up to the end of the decommissioning period.

(2) This article only authorises the carrying out of maintenance works within the Order limits.

### **Limits of deviation**

5. In carrying out and maintaining the authorised development the undertaker may—

- (a) deviate laterally from the lines or situations of the authorised development shown on the works plans to the extent of the limits of deviation within the Order limits relating to each number work shown on those plans and carry out construction and maintenance activities for the purposes of the authorised development any where within the Order limits; and
- (b) deviate vertically from the levels of the authorised development—
  - (i) to any extent not exceeding 2 metres upwards; or
  - (ii) to any extent downwards as may be found to be necessary or convenient.

### **Installation and use of the authorised development**

6.—(1) The undertaker may install and keep installed the above-ground electric line included in the authorised development.

(2) The undertaker may use the electric line and any other elements of the authorised development as part of the electricity distribution network in England and Wales.

### **Benefit of the Order**

7.—(1) Subject to article 8 (consent to transfer benefit of the Order), the provisions of this Order have effect solely for the benefit of SP Manweb PLC.

(2) Paragraph (1) does not apply where this Order provides an express benefit to owners and occupiers of land, statutory undertakers and other persons affected by the authorised development.

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

8.—(1) Subject to paragraph (4), the undertaker may—

- (a) transfer to another person (“the transferee”) any or all of the benefit of the provisions of this Order (including any of the numbered works) and such related statutory rights as may be agreed in writing between the undertaker and the transferee; or
- (b) grant to another person (“the lessee”) for a period agreed between the undertaker and the lessee any or all of the benefit of the provisions of this Order (including any of the numbered works) 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 the undertaker include references to the transferee or the lessee.

(3) The exercise by a person of any benefits or rights conferred 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 SP Manweb PLC.

(4) The consent of the Secretary of State is required for the exercise of the powers of paragraph (1) except where—

- (a) the transferee or lessee is a statutory undertaker; or
- (b) the time limits for all claims for compensation in respect of the acquisition of land or effects upon land under this Order have elapsed and—
  - (i) no such claims have been made;
  - (ii) any such claims that have been made have all been compromised or withdrawn;
  - (iii) compensation has been paid in final settlement of all such claims;
  - (iv) payment of compensation into court in lieu of settlement of all such claims has taken place; or
  - (v) it has been determined by a tribunal or court of competent jurisdiction in respect of all claims that no compensation is payable.

### **Application and modification of Hedgerow Regulations 1997**

9. Regulation 6 of the Hedgerows Regulations 1997 is to be modified so as to read for the purposes of this Order only as if there were inserted after paragraph (1)(j) the following—

“(k) or for carrying out development which has been authorised by development consent made pursuant to the Planning Act 2008”

## **PART 3 STREETS**

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

10.—(1) The undertaker may for the purposes of the authorised development alter the layout of or carry out any works in the street in the case of permanent works as specified in column (2) of Part 1 of Schedule 3 (streets subject to permanent and temporary alteration of layout) in the manner specified in relation to that street in column (3) and in the case of temporary works as specified in column (2) of Part 2 of Schedule 3 (streets subject to permanent and temporary alteration of layout) in the manner specified in relation to that street in column (3).

(2) Regardless of the specific powers conferred by paragraph (1) but subject to paragraph (3), the undertaker may, for the purposes of constructing and maintaining the authorised development, permanently or temporarily alter the layout of any street within the Order limits and the layout of any street having a junction with such a street; and without limitation on the scope of this paragraph, the undertaker may—

- (a) increase the width of the carriageway of the street by the reducing the width of any kerb, footpath, footway, cycle track or verge within the street;
- (b) alter the level or increase the width of any kerb, footpath, footway, cycle track or verge;
- (c) reduce the width of the carriageway of the street;
- (d) make and maintain crossovers passing place(s);
- (e) carry out works for the provision of parking places and unloading areas; and
- (f) execute any works to provide or improve sight lines.

(3) Unless otherwise agreed in writing with the street authority, the undertaker must restore any street that has been temporarily altered under this article to the reasonable satisfaction of the street authority.

(4) The powers conferred by paragraph (2) must not be exercised without the consent of the street authority.

(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 56 days beginning with the date on which the application was made, it is deemed to have granted consent.



(6) Paragraphs (3), (4) and (5) do not apply where the undertaker is the street authority for a street in which the works are being carried out.

### **Street works**

**11.**—(1) The undertaker may, for the purposes of the authorised development, enter on so much of any of the streets specified in Schedule 4 (streets subject to street works) as is within the Order limits and may—

- (a) break up or open the street, or any sewer, drain or tunnel under it;
- (b) tunnel or bore under the street;
- (c) place and keep apparatus in the street;
- (d) maintain apparatus in the street or change its position;
- (e) carry out all necessary works required for the exercise of article 10 (power to alter layout, etc., of streets);
- (f) place and keep during the construction and installation of the authorised development scaffolding on any verge to a street;
- (g) removing or using all earth and materials in or under any street; and
- (h) execute any works required for or incidental to any works referred to in sub-paragraphs (a), (b), (c), (d), (e), (f) and (g).

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

(3) The powers conferred in paragraphs (1) and (2) are without prejudice to the powers of the undertaker under the Electricity Act 1989(a).

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

(5) Where the undertaker is not the street authority, the provisions of sections 54 to 106 of the 1991 Act apply to any street works carried out under paragraph (1).

### **Construction and maintenance of new or altered means of access**

**12.**—(1) Those parts of each means of access specified in Part 1 of Schedule 5 (access) to be constructed under this Order must be completed to the reasonable satisfaction of the relevant highway authority and must be maintained by and at the expense of the undertaker for a period of 12 months from completion and from the expiry of that period by and at the expense of the relevant highway authority.

(2) Those parts of each means of access specified in Part 4 of Schedule 5 (access) to be constructed under this Order must be completed to the reasonable satisfaction of the relevant street authority and must be maintained by and at the expense of the undertaker for a period of 12 months from the date on which the undertaker no longer requires use of the access for the construction of the authorised development and from the expiry of that period by and at the expense of the relevant street authority.

(3) Those restoration works carried out pursuant to article 10(3) identified in Part 2 of Schedule 5 (access) must be completed to the reasonable satisfaction of the relevant highway authority and must be maintained by and at the expense of the undertaker for a period of 12 months from completion and from the expiry of that period by and at the expense of the relevant highway authority.

(4) Those restoration works carried out pursuant to article 10(3) identified in Part 3 of Schedule 5 (access) which are not intended to be a public highway must be completed to the reasonable satisfaction of the street authority and must be maintained by and at the expense of the undertaker

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(a) 1989 c.29.

for a period of 12 months from completion and from the expiry of that period by and at the expense of the street authority.

(5) 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.

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

- (a) the character of the street including 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 that the undertaker had arranged for a competent person to carry out or supervise the maintenance of that part of the street to which the action relates unless it is also proved that the undertaker had given that person proper instructions with regard to the maintenance of the street and that those instructions had been carried out.

### **Temporary prohibition or restriction of use of streets and public rights of way**

**13.**—(1) The undertaker, during and for the purposes of carrying out the authorised development, may temporarily alter, divert, prohibit the use of or restrict the use of any street or public right of way and may for any reasonable time—

- (a) divert the traffic from the street or public right of way; and
- (b) subject to paragraph (2), prevent all persons from passing along the street or public right of way.

(2) Without prejudice to the scope of paragraph (1), the undertaker may use as a temporary working site any street or public right of way within the Order limits and which has been temporarily altered, diverted, prohibited or restricted 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 a temporary alteration, diversion, prohibition or restriction under this article if there would otherwise be no such access.

(4) Without prejudice to the generality of paragraph (1) the undertaker may temporarily alter, divert, prohibit the use of or restrict the use of the streets and public rights of way specified in columns (1) and (2) of Schedule 6 (temporary prohibition or restriction of the use of streets or public rights of way) to the extent specified in column (3) of that Schedule.

(5) The undertaker must not temporarily alter, divert, prohibit the use of or restrict the use of—

- (a) any street or public right of way specified in paragraph (4) without first providing the street authority with at least two weeks' notice of such alteration, diversion, prohibition or restriction; and
- (b) any other street or public right of way without the consent of the street authority which may attach reasonable conditions to any consent.

(6) If a street authority which receives an application for consent under paragraph (5)(b) fails to notify the undertaker of its decision before the end of the period of 56 days beginning with the date on which the application was made, it is deemed to have granted consent.

(7) This article does not remove the requirement for the undertaker to obtain any order required under sections 1, 9 or 22BB of the 1984 Act.

### **Traffic regulation**

**14.**—(1) Subject to the provisions of this article and the consent of the traffic authority in whose area the road concerned is situated, the undertaker may, in so far as may be expedient or necessary for the purposes of or in connection with construction of the authorised development, at any time prior to the date of final commissioning—

- (a) permit, prohibit or restrict the stopping, parking, waiting, loading or unloading of vehicles on any road;
- (b) authorise the use as a parking place of any road; and
- (c) make provision as to the direction or priority of vehicular traffic on any road either at all times or at times, on days or during such periods as may be specified by the undertaker.

(2) The undertaker must not exercise the powers of article 13 in respect of prohibition or restrictions relating to vehicular traffic only on a road and paragraph (1) of this article unless it has—

- (a) given not less than 4 weeks' notice in writing of its intention so to do 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 in the case of subparagraph (a).

(3) Any prohibition, restriction or other provision made by the undertaker under article 13 or paragraph (1) of this article—

- (a) has effect as if duly made by, as the case may be—
  - (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,

and the instrument by which it is effected is deemed to be a traffic order for the purposes of Schedule 7 to the Traffic Management Act 2004 (road traffic contraventions subject to civil enforcement)(a).

(4) In this article—

- (a) subject to sub-paragraph (b) expressions used in this article and in the 1984 Act have the same meaning; and
- (b) a “road” means a road that is a public highway maintained by and at the expense of the traffic authority.

(5) If the traffic authority fails to notify the undertaker of its decision within 56 days of receiving an application for consent under paragraph (1) the traffic authority is deemed to have granted consent.

### **Access to works**

**15.** The undertaker may, for the purposes of the authorised development and with the consent of the relevant planning authority, after consultation with the relevant highway authority, form and lay out such other means of access or improve the existing means of access, at such locations within the Order limits as the undertaker reasonably requires for the purposes of the authorised development.

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(a) 2004 c.18. There are amendments to this Act not relevant to this Order.

### **Agreements with street authorities**

- 16.—**(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 under the electric line authorised by this Order;
  - (b) the strengthening, improvement, repair or reconstruction of any street under the powers conferred by this Order;
  - (c) any alteration, diversion, prohibition or restriction in the use of a street authorised by this Order; or
  - (d) the carrying out in the street of any of the works referred to in article 12(1) (construction and maintenance of new or altered means of access).
- (2) Such an agreement may, without prejudice to the generality 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 street authority specifying a reasonable time for the completion of the works; and
  - (c) contain such terms as to payment and otherwise as the parties consider appropriate.

## **PART 4**

### **SUPPLEMENTAL POWERS**

#### **Discharge of water**

**17.—**(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) is to 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.

- (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; and
  - (b) where that person has been given the opportunity to supervise the making of the opening.

(5) Except as authorised under this Order, the undertaker must not, in carrying out or maintaining works, damage or interfere with the bed or banks of any watercourse forming part of a main river.

(6) The undertaker must take such steps as are reasonably practicable to secure that any water discharged into a watercourse or public sewer or drain pursuant to this article is as free as may be practicable from gravel, soil or other solid substance, oil or matter in suspension.

(7) If a person who receives an application for consent under paragraph (3) or approval under paragraph (4)(a) fails to notify the undertaker of a decision within 56 days of receiving an application that person is deemed to have granted consent or given approval, as the case may be.

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(a) 1991 c.56. Section 106 was amended by sections 43(2) and 35(8)(a) and paragraph 1 of Schedule 2 to the Competition and Service (Utilities) Act 1992 (c.43) and sections 99(2), (4), (5)(a), (5)(b),(5)(c) and 36(2) of the Water Act 2003 (c.37).

(8) This article does not authorise any water discharge activities or groundwater activities for which a licence is required pursuant to regulation 12(1)(b) of the Environmental Permitting (England and Wales) Regulations 2010(a).

(9) In this article—

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

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

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

- (a) survey or investigate the land;
- (b) without prejudice to the generality of sub-paragraph (a), make trial holes in such positions on the land as the undertaker thinks fit to investigate the nature of the surface layer and subsoil and remove soil samples;
- (c) without prejudice to the generality of sub-paragraph (a), carry out ecological or archaeological investigations on such land; and
- (d) place on, leave on and remove from the land apparatus for use in connection with the survey and investigation of land and making of trial holes.

(2) 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.

(3) 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; and
- (b) may take on to the land such vehicles and equipment as are necessary to carry out the survey or investigation or to make the trial holes.

(4) No trial holes are to be made under this article—

- (a) in 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.

(5) The undertaker must—

- (a) make good any damage to the land where it has made a trial hole; and
- (b) compensate the owners and occupiers of the land for any loss or damage arising by reason of the exercise of the authority conferred by this article, such compensation to be determined, in case of dispute, under Part 1 (determination of questions of disputed compensation) of the 1961 Act.

(6) If either a relevant highway authority or street authority which receives an application for consent fails to notify the undertaker of its decision within 56 days of receiving the application for consent—

- (a) under paragraph (4)(a) in the case of a relevant highway authority; or

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(a) S.I. 2010/675.

(b) 1964 (c.40). There are amendments to section 57 that are not relevant to this Order.

(c) 1991 (c.57) as amended by S.I. 2009/3104.

(b) under paragraph (4)(b) in the case of a street authority,  
that authority is deemed to have granted consent.

## PART 5

### POWERS OF ACQUISITION

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

**19.**—(1) The undertaker may create and acquire compulsorily the rights over the Order land and impose the restrictions affecting the Order land described in the book of reference and shown on the land plans.

(2) Subject to section 8 of the 1965 Act, as substituted by paragraph 5 of Schedule 7 (modification of compensation and compulsory purchase enactments for creation of new rights), where the undertaker creates and 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.

(3) Schedule 7 (modification of compensation and compulsory purchase enactments for creation of new rights) 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 imposition of a restriction.

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

(5) The exercise by a statutory undertaker of any power in accordance with a transfer under paragraph (4) is subject to the same restrictions, liabilities and obligations as would apply under this Order if that power were exercised by the undertaker.

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

**20.**—(1) The carrying out or use of the authorised development and the doing of anything else authorised by this Order is authorised for the purpose specified in section 158(2) of the 2008 Act (nuisance: statutory authority), 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 use 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 use of land arising by virtue of contract,

caused by the carrying out or use of the authorised development and the operation of section 158 of the 2008 Act.

(3) The interests and rights to which this article applies are any easement, liberty, privilege, right or advantage annexed to land and adversely affecting other land, including any natural right to support.

(4) Subsection (2) of section 10 of the 1965 Act applies to paragraph (2) by virtue of section 152(5) of the 2008 Act (compensation in case where no right to claim in nuisance).

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

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

**21.**—(1) After the end of the period of 5 years beginning on the day on which the Order is made—

- (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 Compulsory Purchase (Vesting Declarations) Act 1981 as applied by article 24 (application of the Compulsory Purchase (Vesting Declarations) Act 1981)(a).

(2) The authority conferred by article 27 (temporary use of land for carrying out the authorised development) must cease 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.

### **Funding**

**22.** The undertaker must not begin to exercise the powers provided within Parts 3, 4, 5 and 6 of this Order in relation to any land unless it has demonstrated to the Secretary of State that it has received sufficient funds in order to cover the liability of the undertaker to pay compensation under this Order in respect of the exercise of the relevant power in relation to that land.

### **Private rights**

**23.**—(1) Subject to the provisions of this article, all private rights and restrictive covenants over land subject to the compulsory creation and acquisition of rights or the imposition of restrictions under this Order are suspended and unenforceable or, where so notified by the undertaker to the person with the benefit of such private rights or restrictive covenant, extinguished in so far as in either case their continuance would be inconsistent with the exercise of the right created and acquired or the burden of the restriction imposed—

- (a) as from the date of creation and 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 (power of entry) in pursuance of the right,

whichever is the earliest.

(2) Subject to the provisions of this article, all private rights and restrictive covenants over land owned by the undertaker or in which the undertaker has the benefit of an easement are extinguished on commencement of any activity authorised by this Order which would otherwise interfere with or breach such rights or restrictive covenants.

(3) Subject to the provisions of this article, all private rights and 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 so far as their continuance would be inconsistent with the exercise of the temporary possession of that land.

(4) Any person who suffers loss by the extinguishment or suspension of any private right or restrictive covenant under this Order is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(5) 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 29 (statutory undertakers) applies.

(6) Paragraphs (1) to (2) and (4) have effect subject to—

- (a) any notice given by the undertaker before—

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(a) 1981 (c.66).

- (i) the completion of the creation and acquisition of rights or the imposition of restrictions 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 at any time between the undertaker and the person in or to whom the right or restrictive covenant in question is vested or belongs.
- (7) If any such agreement as is referred to in paragraph (6)(b)—
- (a) is made with a person in or to whom the right or restrictive covenant 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.

(8) 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 and adversely affecting other land, including natural right to support and personal covenants.

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

**24.—**(1) The Compulsory Purchase (Vesting Declarations) Act 1981 applies as if this Order were a compulsory purchase order.

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

(3) In section 3 (preliminary notices), for subsection (1) there is substituted—

“(1) Before making a declaration under section 4 with respect to any land which is subject to a compulsory purchase order, the acquiring authority must include the particulars specified in subsection (3) in a notice which is—

- (a) given to every person with a relevant interest in the land with respect to which the declaration is to be made (other than a mortgagee who is not in possession); and
- (b) published in a local newspaper circulating in the area in which the land is situated.

(4) In that section, in subsection (2), for “(1)(b)” there is substituted “(1)” and after “given” there is inserted “and published”.

(5) In that section, for subsections (5) and (6) there is substituted—

“(5) For the purposes of this section, a person has a relevant interest in land if—

- (a) that person is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion; or
- (b) that person holds, or is entitled to the rents and profits of, the land under a lease or agreement, the unexpired term of which exceeds one month.”.

(6) In section 5 (earliest date for execution of declaration)—

- (a) in subsection (1), after “publication” there is inserted “in a local newspaper circulating in the area in which the land is situated”; and
- (b) subsection (2) is omitted.

(7) In section 7 (constructive notice to treat), in subsection (1)(a), the words “(as modified by section 4 of the Acquisition of Land Act 1981)” are omitted.



(8) References to the 1965 Act in the Compulsory Purchase (Vesting Declarations) Act 1981 must be construed as references to that Act as applied by section 125 of the 2008 Act to the compulsory acquisition of rights under this Order.

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

**25.**—(1) The undertaker may acquire compulsorily such rights in the subsoil of, or the airspace over, the land referred to in article 19 (compulsory acquisition of rights) as may be required for any purpose for which rights or restrictions over that land may be created and acquired or imposed under that provision instead of acquiring any greater interest in that land.

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

### **Rights under or over streets**

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

(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) is not to 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 in respect of which the power of appropriation conferred by paragraph (1) is exercised without the undertaker acquiring any part of that person's interest in the land, and who suffers loss by the exercise of that power, is to be entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(5) Compensation is not to be 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.

### **Temporary use of land for carrying out the authorised development**

**27.**—(1) The undertaker 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 columns (1) and (2) of Schedule 8 (land of which temporary possession may be taken) for the purpose specified in relation to that land in column (3) of that Schedule relating to the part of the authorised development specified in column (4) of that Schedule; and
  - (ii) any of the Order land in respect of which no notice of entry has been served under section 11 of the 1965 Act (powers of entry) (other than in connection with the acquisition of rights only) and no declaration has been made under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 (execution of declaration);
- (b) remove any electric line, electrical plant, buildings, structures, poles, means of enclosure, apparatus and vegetation from that land;
- (c) construct temporary works and permanent works (including the provision of means of access) and structures on that land;

- (d) construct any works specified in relation to that land in column (3) of Schedule 8; and
- (e) carry out mitigation works required pursuant to the requirements in Schedule 2.

(2) Not less than 14 days before entering on 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.

(3) The undertaker may not, without the agreement of the owners of the land, remain in possession of any land under this article after the end of the period of one year beginning with the date of final commissioning of the authorised development unless the undertaker has, before the end of that period, served notice of entry under section 11 of the 1965 Act or made a declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 or has otherwise acquired the land subject to temporary possession.

(4) Unless the undertaker has served notice of entry under section 11 of the 1965 Act or made a declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 or has otherwise acquired the land subject to temporary possession, the undertaker must before giving up possession of land of which temporary possession has been taken under either paragraph (1)(a)(i) or (1)(a)(ii), remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land; but the undertaker is not required to—

- (a) replace any electric line, electrical plant, buildings, structures, poles and apparatus removed under this article; or
- (b) restore the land on which any works have been carried out under paragraph (1)(d) insofar as the works relate to mitigation works identified in the environmental statement or required pursuant to the requirements in Schedule 2.

(5) 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 provisions of any power conferred by this article.

(6) Any dispute as to a person's entitlement to compensation under paragraph (5), or as to the amount of the compensation, is to be determined under Part 1 of the 1961 Act.

(7) Nothing in this article affects any liability to pay compensation under section 10(2) of the 1965 Act (further provisions as to compensation for injurious affection) 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 (5).

(8) Nothing in this article precludes the undertaker from—

- (a) acquiring new rights or imposing restrictions of any part of the Order land under article 19 (compulsory acquisition of rights); or
- (b) acquiring any right in the subsoil or of airspace over the Order land under article 25 (acquisition of subsoil).

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

(10) 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).

(11) Nothing in this article prevents the taking of temporary possession more than once in relation to any land specified in Schedule 8.

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

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

- (a) enter on 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) enter on and take temporary possession of any land within the Order limits if such possession is reasonably required for the purpose of decommissioning the authorised development;
  - (c) construct such temporary works (including the provision of means of access) and structures on the land as may be reasonably necessary for that purpose; and
  - (d) enter on any land within the Order limits for purpose of gaining access as is reasonably required for the purpose of maintaining or decommissioning 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 on 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.
- (4) The undertaker may only remain in possession of land under this article for so long as may be reasonably necessary to carry out the maintenance or decommissioning 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 provisions of this article.
- (7) Any dispute as to a person’s entitlement to compensation under paragraph (6), or as to the amount of the compensation, is to be determined under Part 1 of the 1961 Act.
- (8) Nothing in this article affects any liability to pay compensation under section 10(2) of the 1965 Act (further provisions as to compensation for injurious affection) or under any other enactment in respect of loss or damage arising from the maintenance or decommissioning 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 to be required to acquire any interest in it.
- (10) 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).
- (11) In this article “the maintenance period” means the period of 5 years beginning with the date of final commissioning.

**Statutory undertakers**

- 29.** Subject to the provisions of Schedule 9 (protective provisions), the undertaker may—
- (a) extinguish or suspend the rights of, remove or reposition the apparatus belonging to, statutory undertakers shown on the land plans and described in the book of reference; and
  - (b) create and acquire compulsorily the rights or impose restrictions over land belonging to statutory undertakers shown on the land plans and described in the book of reference.

**Recovery of costs of new connections**

**30.—**(1) Where any apparatus of a public utility undertaker or of a public communications provider is removed under article 29 (statutory undertakers) any person who is the owner or occupier of premises to which a supply was given from that apparatus is to be 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 29 (statutory undertakers) any person who is—

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

is to be 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; and

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

## PART 6 OPERATIONS

### **Felling or lopping of trees and removal of hedgerows**

**31.**—(1) The undertaker may fell or lop any tree or shrub near any part of the authorised development, within or encroaching upon the Order limits or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub—

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

(2) In carrying out any activity authorised by paragraph (1), the undertaker must do no unnecessary damage to any tree or shrub 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, is to be determined under Part 1 of the 1961 Act.

(4) The undertaker may, for the purposes of the authorised development—

- (a) subject to paragraph (2), remove any hedgerows within the Order limits that may be required for the purposes of carrying out the authorised development; and
- (b) remove the important hedgerows as are within the Order limits and specified in Schedule 11 (removal of important hedgerows).

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

## PART 7 MISCELLANEOUS AND GENERAL

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

**32.**—(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 use the same; and

(b) any agreement entered into by the undertaker with any person for the construction, maintenance, or use 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.

### **Disapplication of legislative provisions**

**33.** The following provisions do not apply in relation to the construction of works carried out for the purpose of, or in connection with, the construction or maintenance of the authorised development—

- (a) section 109 of the Water Resources Act 1991<sup>(a)</sup> and any other legislation or enactment as may replace or re-enact section 109 from time to time;
- (b) the provisions of any byelaws made under, or having effect as if made under, paragraphs 5, 6 or 6A of Schedule 25 to the Water Resources Act 1991, which require consent or approval for the carrying out of the works; and
- (c) section 23 of the Land Drainage Act 1991<sup>(b)</sup>.

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

**34.—**(1) Where proceedings are brought under section 82(1) of the Environmental Protection Act 1990 (summary proceedings by persons aggrieved by statutory nuisances)<sup>(c)</sup> in relation to a nuisance falling within paragraph (g) of section 79(1) of that Act (noise emitted from premises so as to be prejudicial to health or a nuisance) no order is to be made, and no fine may be imposed, under section 82(2) of that Act if the defendant shows that the nuisance—

- (a) 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 served under section 60 (control of noise on construction sites), or a consent given under section 61 (prior consent for work on construction sites) or 65 (noise exceeding registered level), of the Control of Pollution Act 1974<sup>(d)</sup>;
- (b) is a consequence of the construction or maintenance of the authorised development and that it cannot reasonably be avoided; or

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(a) 1991 c.57.

(b) 1991 c.59.

(c) Section 82 was amended by section 103 of the Clean Neighbourhoods and Environment Act 2005 (c.16); Section 79 was amended by sections 101 and 102 of the same Act.

(d) 1974 c.40. Section 60 was amended by section 7(3)(a)(4)(g) of the Public Health (Control of Disease) Act 1984 (c.22) and section 112(1)(3) of the Electricity Act 1989 (c.29); Sections 61 and 65 were amended by section 133 and Schedule 7 to the Building Act 1984 (c.55), section 120 and Schedule 24 to the Environment Act 1995 (c.25) and section 162 and Schedule 15 to the Environmental Protection Act 1990 (c.43). There are other amendments not relevant to this Order.

- (c) is a consequence of the use of the authorised development and that it cannot reasonably be avoided.

(2) Section 61(9) (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 and section 65(8) of that Act (corresponding provision in relation to consent for registered noise level to be exceeded), is not to 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.

### **Protective provisions**

**35.** Schedule 9 (protective provisions) has effect.

### **Certification of plans etc.**

**36.—**(1) The undertaker must, as soon as practicable after the making of this Order, submit to the Secretary of State copies of—

- (a) the book of reference;
- (b) the land plans;
- (c) the works plans;
- (d) the access and rights of way plans;
- (e) the environmental statement; and
- (f) the design and construction report,

for certification that they are true copies of the documents referred to in this Order.

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

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

**37.** Subject to the modifications set out in Schedule 7 (modification of compensation and compulsory purchase enactments for creation of new rights) the enactments for the time being in force with respect to compensation for the compulsory purchase of land are to apply in the case of a compulsory acquisition under this Order in respect of a right over land by the creation of a new right or imposition of a restriction as they apply to the compulsory purchase of land and interests in land.

### **Service of notices**

**38.—**(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 consent of the recipient and subject to paragraphs (6) 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(a) 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 (1) is, if that person has given an address for service, that address and otherwise—

- (a) in the case of the secretary or clerk of that body corporate, the registered or principal office of that body; and
- (b) in any other case, the last known address of that person at that 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 an 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 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 the 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 to be 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) 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 seven days of receipt that the recipient requires a paper copy of all or any part of that notice or other document the sender must provide such a copy as soon as reasonably practicable.

(7) Any consent to the use of an electronic transmission 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.

### **Procedure in relation to certain approvals etc.**

**39.**—(1) Where an application is made to or request is made of the relevant planning authority, a relevant highway authority, a traffic 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 the Order (not including the requirements), such consent, agreement or approval to be validly given, must be given in writing and must not be unreasonably withheld or delayed.

(2) Schedule 10 (procedure for discharge of requirements) has effect in relation to all consents, agreements or approvals granted, refused or withheld in relation to the requirements and any other consent, agreement or approval required under this Order.

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(a) 1978 c.30. Section 7 was amended by paragraph 19 of Schedule 10 to the Road Traffic Regulation Act 1984 (c.27). There are other amendments not relevant to this Order.

**Arbitration**

40. Subject to article 39 (procedure in relation to certain approvals etc.) and except where otherwise provided for in this Order any difference under any provision of this Order, is to 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 and Climate Change

Address  
Date

*Signed*  
Title  
Department



## SCHEDULE 1

Article 3

### AUTHORISED DEVELOPMENT

A nationally significant infrastructure project as defined in sections 14 and 16 of the 2008 Act comprising the construction and installation of a 132kV electric line above ground, approximately 17.4 km in length, including up to 225 double wood pole supports consisting of 3 phased conductors, overhead and underground earthwire and protection and control cable comprising—

in the County of Denbighshire—

**Work No. 1A—**

- (a) the construction and installation of a double wood pole 132kV above ground electric line, approximately 9.6 km in length, including up to 4 permanent supporting stays for each double wood pole support extending up to 19 m from the central point of the support together with foundations and all modifications required to any support to facilitate a change in angle of the electric line, commencing in the vicinity of the gantries at the new collector substation to be built at Clocaenog Forest, breaking for each section of Work No. 1B and terminating at a terminal structure south of Glascoed Road, B5381, and more particularly shown on sheet 1 to sheet 8 and sheet 12 to sheet 13 on the works plans; and
- (b) the construction and installation of a terminal structure with up to 6 permanent supporting stays at south of Glascoed Road, B5381.

**Work No. 2A—**

- (a) site preparation works and site clearance (including fencing and vegetation removal);
- (b) earthworks (including soil stripping and storage and site levelling);
- (c) works to alter the position of existing services;
- (d) establishment of temporary laydown and storage area, temporary vehicle parking and construction fencing;
- (e) establishment of winching points and the installation of scaffolding;
- (f) tree and hedgerow planting;
- (g) landscaping and ecological measures to replace trees, hedgerows and other vegetation that has been removed during construction;
- (h) temporary and permanent means of access and trackways;
- (i) drainage works and temporary culverts; and
- (j) works to streets and any alteration, removal or installation of road furniture required to facilitate the construction of temporary accesses.

**Work No. 3A** development comprising landscaping to mitigate any adverse effects of the maintenance or use of the authorised development together with means of access.

**Work No. 4** development comprising establishment of a temporary site construction compound including means of access, soil stripping and storage, creation of hard standing, vehicle parking, perimeter enclosure, security fencing, storage areas, construction related buildings, welfare facilities, construction lighting, drainage, bunding for fuel storage tanks and internal tracks.

in the County Borough of Conwy—

**Work No. 1B** development comprising the construction and installation of a double wood pole 132kV electric line above ground, approximately 7.8 km in length, including up to 4 permanent supporting stays for each double wood pole support extending up to 19 m from the central point of the support together with foundations and all modifications required to any support to facilitate a change in angle of the electric line, commencing at Pandy Wood (sheet 5 of the works plans), breaking for each section of Work No. 1A and terminating at the River Elwy (sheet 12 of the

works plans) and more particularly shown on sheet 5 to sheet 6 and sheet 8 to sheet 12 on the works plans.

**Work No. 2B—**

- (a) site preparation works and site clearance (including fencing and vegetation removal);
- (b) earthworks (including soil stripping and storage and site levelling);
- (c) works to alter the position of existing services;
- (d) establishment of temporary laydown and storage area, temporary vehicle parking and construction fencing;
- (e) establishment of winching points and the installation of scaffolding;
- (f) tree and hedgerow planting;
- (g) landscaping and ecological measures to replace trees, hedgerows and other vegetation that has been removed during construction;
- (h) temporary and permanent means of access and trackways;
- (i) drainage works and temporary culverts; and
- (j) works to streets and any alteration, removal or installation of road furniture required to facilitate the construction of temporary accesses.

**Work No. 3B** development comprising landscaping to mitigate any adverse effects of the maintenance or use of the authorised development together with means of access.

## SCHEDULE 2 REQUIREMENTS

Articles 3 and 39

### Interpretation

1. In this Schedule the following expressions have the following meanings—

“Broadleys compound” means the construction compound located on plot 53B and shown on sheet 7 of the land plans;

“commence” means the carrying out of a material operation, as defined in section 155 of the 2008 Act (which explains when development begins), comprised in or carried out for the purposes of the authorised development, but does not include any site clearance, devegetation, remediation, environmental (including archaeological) investigation, site or soil survey, erection of contractors’ work compound, erection of site office, erection of fencing to site boundaries or marking out of site boundaries and the words “commencement” and “commenced” and cognate expressions are to be construed accordingly;

“core working hours” means between 0700 and 1900 hours during the months of March to October and 0730 to 1730 or during daylight hours, whichever is the shorter, during the months of January to February and November to December;

“daylight hours” means the hours during which construction activities can be undertaken without the use of artificial lighting;

“decommissioning and restoration plan” means a plan that sets out details of the decommissioning and removal of numbered works 1A and 1B, the restoration of the land and the timeframe for completion of those works;

“ecological management plan” means the ecological management plan to be submitted to the relevant planning authority pursuant to requirement 13;

“felling” means any felling or lopping undertaken pursuant to article 31 (felling or lopping of trees and removal of hedgerows) of this Order;

“HGVs” means goods vehicles weighing greater than 3.5 tonnes (gross);

“landscape planting” means new trees, shrubs and other soft landscaping to be located on the land coloured dark green and stippled dark green on the land plans;

“new tree” means a tree that is not a replacement tree for a tree that has been removed as a result of the construction of the authorised development on the yellow and blue land shown on the land plans (but excluded the land stippled dark green on the land plans);

“outline construction environmental management plan” means the document with reference 6.18 v.2 and includes—

- (a) the outline ecological management plan (document reference 6.18D v1);
- (b) the updated outline hedgerow management plan (document reference 6.18c v2);
- (c) the outline traffic management plan (document reference 6.18E v1);

“outline landscape management plan” means the plan annexed at appendix 7.6 of the environmental statement (document reference 6.20.6);

“owner” means a person with the benefit of the freehold title or of a lease with no less than 7 years left to run;

“planning consent” means a planning permission or consent under any of the following—

- (a) Town and Country Planning Act 1990;
- (b) Planning Act 2008;
- (c) Electricity Act 1989; or
- (d) Town and Country Planning (General Permitted Development Order) 1995;

“reinstatement planting” means the reinstatement of the vegetation that has been removed to enable the construction of the authorised development on the land coloured yellow and blue on the land plans (but excluding the land stippled dark green on the land plans);

“relevant design principles” means the design principles in section 2.2 of the design and construction report (document reference 7.1);

“stage” means a defined section or part of the authorised development, the extent of which is shown in a scheme submitted to and approved by the relevant planning authority pursuant to requirement 4 (stages of authorised development); and

“wind farms” means the wind farms known as—

- (a) Nant Bach approved under planning permission DC/0/35170 or such other planning consent;
- (b) Derwydd Bach approved under planning permission 04/2007/0964/WF or such other planning consent;
- (c) Clocaenog Forest approved under the Clocaenog Forest Wind Farm Order 2014 or such other planning consent; and
- (d) Brenig approved under planning permission 25/2007/0565/WF or such other planning consent.

**Time limits**

2. The authorised development must be commenced within 5 years of the date that this Order is made.

**Detailed Design**

3.—(1) The authorised development must be carried out in accordance with the approved plans, inclusive of any limits of deviation, bearing the references listed below and any other plans, drawings, documents, details, schemes, statements or strategies which are approved by the relevant planning authority pursuant to any requirement and as the same may be amended by approval of the relevant planning authority pursuant to requirement 16(1) (Amendments to approved details)—

Works plans	Submission document reference number 2.3.0-2.3.13 (revision 0)
Access and rights of way plans	Submission document reference number 2.4.0-2.4.13 (revision 0)
Section drawings	Submission document reference number 2.7.0-2.7.29 (revision P7)
Compound layout drawing	Submission document reference number 2.7.30 (revision 1)

(2) Subject to article 5 (limits of deviation), the authorised development must be carried out in accordance with the parameters specified below and the same may be amended by approval of the relevant planning authority pursuant to requirement 16(1)—

<i>Building or Structure</i>	<i>Maximum height Above Existing Ground Level (metres)</i>	<i>Minimum height Above Existing Ground Level (metres)</i>
Double wood pole (each pole)	16.4	10.8
Terminal structure (cable connection)	15.8	11.8
Terminal structure (gantry)	14.7	12.7

(3) Any part of the authorised development must be designed substantially in accordance with the relevant design principles.

#### **Stages of authorised development**

4. No authorised development is to commence until a written scheme setting out all the stages of the authorised development has been submitted to and approved by the relevant planning authority, such scheme to include the following details—

- (a) confirmation whether the authorised development is to be carried out in a single stage or multiple stages;
- (b) if multiple stages, the chronological order of such stages; and
- (c) the date of commencement of each stage.

#### **Landscaping**

5.—(1) No stage of the authorised development is to commence until a written landscaping scheme for that stage, in respect of landscape planting, which is substantially in accordance with the outline landscape management plan and the planting principles contained in the ecological management plan, has been submitted to and approved by the relevant planning authority. The landscaping scheme must include details of the landscape planting, including—

- (a) location, number, species, size and planting density of any landscape planting;
- (b) cultivation, importing of materials and other operations to ensure plant establishment;
- (c) vehicular and pedestrian access, parking and circulation areas;
- (d) implementation timetable for the landscape planting; and
- (e) details of a maintenance regime for the landscape planting.

(2) The written landscaping scheme must not be submitted to the relevant planning authority pursuant to sub-paragraph (1) until consultation on the written landscaping scheme has been carried out with the owners of the land on which the landscape planting is proposed to be located.

(3) The landscape planting must be planted and maintained in accordance with the landscaping scheme(s).

## **Implementation and maintenance of landscaping**

6. Notwithstanding the maintenance regime to be approved pursuant to requirement 5 and requirement 7, where any tree or shrub planted as part of the landscape planting under requirement 5 or the reinstatement planting under requirement 7 (including new trees), within a period of 5 years if any such planting is removed, dies or becomes seriously damaged or diseased, it must be replaced by the undertaker in the first available planting season with a specimen of the same species and size as that originally planted.

## **Reinstatement planting**

7.—(1) The reinstatement planting must not include any new trees except by agreement with the owner of the land on which the reinstatement planting is to be carried out.

(2) No reinstatement planting which is to contain a new tree pursuant to the terms of requirement 7(1) is to be carried out until a reinstatement planting plan has been submitted to and approved by the relevant planning authority. The reinstatement planting plan must include details of the new trees being introduced including—

- (a) location, number, species, size and planting density of the new trees;
- (b) cultivation, importing of materials and other operations to ensure tree establishment; and
- (c) details of the maintenance regime.

(3) The new trees planted pursuant to this requirement must be planted and maintained in accordance with the approved reinstatement planting plan.

## **Felling**

8.—(1) All felling must be undertaken in accordance with the relevant guidance specified in paragraph (2) and NRW best practice (as amended from time to time).

(2) The relevant guidance is—

- (a) The UK Forestry Standard;
- (b) UKFS Guidelines – Forests and Water (2011);
- (c) UKFS Guidelines – Forests and Soil (2011);
- (d) UKFS Guidelines – Forests and Biodiversity (2011); and
- (e) UKFS Guidelines – Forests and Historic Environment (2011).

## **Highway works**

9.—(1) No work to construct or alter any permanent or temporary means of access to a highway to be used by vehicular traffic must commence until, following consultation with the relevant highway authority, written details of the design and layout of that means of access has been submitted to and approved by the relevant highway authority.

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

## **Construction Hours**

10.—(1) Subject to sub-paragraphs (2) and (3) construction work must not take place other than between 0700 and 1900 hours during the months of March to October and 0730 to 1730 or during daylight hours, whichever is the shorter, during the months of January to February and November to December.

(2) The following operations must only take place between 0900 and 1700 hours Monday to Friday and excluding public holidays—

- (a) piling; and
- (b) excavator and hydraulic jack hammer operations.

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

- (a) the installation and removal of protective netting across highways or watercourses;
- (b) only at the Broadleys compound, the completion of operations commenced during the core working hours which cannot safely be stopped; and
- (c) only at the Broadleys compound, start up and close down activities up to 1 hour either side of core working hours.

(4) No artificial lighting is to be used in carrying out the construction of the authorised development other than at the Broadleys compound.

### **Contaminated land and groundwater**

**11.**—(1) In the event that contamination is found at any time when carrying out the authorised development, it must be reported in writing immediately to the relevant planning authority and the carrying out of that part of the authorised development affected by such contamination must cease immediately. An investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of any contamination within the Order limits and whether or not it originates within the Order limits, such scheme to be submitted to and approved by the relevant planning authority (in consultation with NRW). The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced and submitted to and approved by the relevant planning authority (in consultation with NRW).

(2) Where remediation is required pursuant to the approved investigation and risk assessment, a detailed remediation scheme to bring the relevant land to a condition suitable for the intended use must be prepared, and submitted for the written approval of the relevant planning authority.

(3) The approved remediation scheme must be carried out in accordance with its terms.

(4) Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and approved in writing by the relevant planning authority.

(5) Where the carrying out of any part of the authorised development has ceased pursuant to sub-paragraph (1) the undertaker may only recommence the carrying out of that part of the authorised development following,—

- (a) where remediation is required pursuant to the approved investigation and risk assessment for contamination affecting that part, the completion of measures pursuant to sub-paragraph (4); or
- (b) in all other cases the approval of the investigation and risk assessment pursuant to sub-paragraph (2).

### **Archaeology**

**12.**—(1) No stage of the authorised development is to commence until, following consultation with the Clwyd and Powys Archaeological Trust (CPAT) and the relevant planning authority, for that stage, a written scheme setting out the methodology for a watching brief over areas of archaeological interest has been submitted to and approved by the relevant planning authority.

(2) The scheme must identify areas where a watching brief is required, and the measures to be taken to protect, record or preserve any significant archaeological remains that may be found.

(3) Any watching brief carried out under the scheme must be by a suitably qualified person or body approved by the relevant planning authority.

(4) Any watching brief must be carried out in accordance with the approved scheme.

### **Construction Environmental Management Plan**

**13.**—(1) No stage of the authorised development is to commence until, following consultation with NRW, the highways authority and the relevant planning authority, a construction

environmental management plan for that stage, which is substantially in accordance with the outline construction environmental management plan, has been submitted to and approved by the relevant planning authority (in consultation with NRW). The construction and environmental management plan must include measures to minimise impacts of construction works and must incorporate the following plans—

- (a) an ecological management plan incorporating method statements for sensitive habitats and species;
  - (b) hedgerow management plan incorporating principles to be followed for hedgerow removal and reinstatement;
  - (c) a traffic management plan incorporating the following—
    - (i) details of haulage routes for HGVs to use to deliver materials to the authorised development;
    - (ii) communication of the routes to drivers of HGVs;
    - (iii) details of timing for deliveries;
    - (iv) proposals for assessing the existing condition of affected highways; and
    - (v) details for making good any incidental damage to highways by construction traffic associated with the authorised development.
- (2) The authorised development must be carried out in accordance with the approved plans.

### **Piling**

**14.**—(1) No stage of the authorised development which requires piling activities must commence until a piling method statement for that stage of the authorised development has been submitted to and approved by the relevant planning authority.

- (2) Piling must be carried out in accordance with the approved method statement.

### **Restoration of land used temporarily for construction**

**15.**—(1) No land within the Order limits that is to be used temporarily for construction is to be used until a photographic condition survey has been carried out and submitted to the relevant planning authority.

(2) Any land within the Order limits which is used temporarily for construction must be reinstated to its former condition as identified on the photographic condition survey, or such condition as the relevant planning authority may approve, within six months of the completion of authorised development (or such other period as may be agreed with the owner of the land) and the relevant planning authority shall be notified in writing upon reinstatement.

### **Amendments to approved details**

**16.**—(1) With respect to the approved plans specified in requirement 3(1), (except in relation to the land plans, works plans and access and rights of way plans), and any other plans, details, schemes or matters which require approval by the relevant planning authority pursuant to any other requirement (the “Approved Plans, Parameters, Details or Schemes”), the undertaker may submit to the relevant planning authority for approval any amendments to the Approved Plans, Parameters, Details or Schemes and following any such approval by the relevant planning authority the Approved Plans, Parameters, Details or Schemes are to be taken to include the amendments approved pursuant to this sub-paragraph (1).

(2) Approval under requirement sub-paragraph (1) must not be given except where it has been demonstrated to the satisfaction of the relevant planning authority, in consultation with NRW, that the subject-matter of the approval sought is unlikely to give rise to any materially new or materially different environmental effects in comparison with the authorised development as approved (as identified in the environmental statement).



### **Requirement for written approval**

17. Where under any of the above requirements the approval or agreement of the relevant planning authority or another person is required, that approval or agreement must be given in writing.

### **Decommissioning**

18.—(1) In the event that, at some future date, numbered works 1A and 1B are no longer in use and there is no likelihood of numbered works 1A and 1B being in use, the undertaker is to—

- (a) notify the relevant planning authorities of the same; and
- (b) within 3 months of the date of the notice referred to in sub-paragraph (a) being served on the relevant planning authorities, submit a decommissioning and restoration plan for approval by the relevant planning authorities, in consultation with NRW.

(2) The undertaker must implement the decommissioning and restoration plan as approved.

### **Connection to the wind farms**

19. No authorised development must commence unless the relevant planning authority has, in relation to all works comprising a collector substation or cable sealing compound which connects the authorised development to any of the wind farms, either—

- (a) confirmed in writing after the day this Order comes into force that such works are permitted development under Town and Country Planning (General Permitted Development) Order 1995; or
- (b) granted planning permission under Part III the Town and Country Planning Act 1990 for such works as not covered by sub paragraph (a) above.

SCHEDULE 3

Articles 10 and 15

STREETS SUBJECT TO PERMANENT AND TEMPORARY  
ALTERATION OF LAYOUT

PART 1

PERMANENT ALTERATION OF LAYOUT

**Table 1**

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street subject to alteration of layout</i>	<i>(3)</i> <i>Description of alteration</i>
Denbighshire	Access track from Leger Bach	Modify the existing tarmacked track comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 6) between points AZ1/AZ2 and BA to provide temporary access to numbered work 1A during construction.
Conwy	Access track from Leger Bach	Modify the existing tarmacked track comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 6) between points BA to BB to provide temporary access to numbered work 1B during construction.
Denbighshire	Lon Llewelyn (A453)	Extend existing access comprising part of numbered work 4 and shown on the access and rights of way plans (sheet 7) between points AQ1 and AQ2 to provide temporary access to numbered work 4 during construction. Comprising, where required, of the installation of new or improved street surface, white lining, removal of vegetation including hedgerows and replacement of vegetation including hedgerows.

<i>(1)</i> Area	<i>(2)</i> Street subject to alteration of layout	<i>(3)</i> Description of alteration
Denbighshire	Access track from A543 to Broadleys Farm	Modify the existing track comprising part of numbered works 4 and shown on the access and rights of way plans (sheet 7) between points AQ1/2 and AR to provide temporary access to numbered work 4 during construction.
Conwy	Henllan to Llanefydd Road	Upgrade existing access comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 10) between points BY1 and BY2 to provide temporary access to numbered work 1B during construction. Comprising, where required, of the installation of new or improved street surface, white lining, removal of vegetation including hedgerows and replacement of vegetation including hedgerows.
Conwy	Access track from Henllan to Llanefydd Road	Modify the existing stoned track comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 10) between points BY1/2 and BZ to provide temporary access to numbered work 1B during construction.
Conwy	Bontnewydd Road	Extend existing access comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 11) between points CJ1 and CJ2 to provide temporary access to numbered work 1B during construction and for maintenance. Comprising, where required, of the installation of new or improved street surface, white lining, removal of vegetation including hedgerows and replacement of vegetation including hedgerows.

<i>(1)</i> Area	<i>(2)</i> Street subject to alteration of layout	<i>(3)</i> Description of alteration
Conwy	Access track from Bontnewydd Road	Modify the existing stoned track comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 11) between points CJ1/2 and CK to provide temporary access to numbered work 1B during construction.
Conwy	Henllan to Llanefydd Road	Upgrade existing access comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 12) between points CN1 and CN2 to provide temporary access to numbered work 1B during construction and for maintenance. Comprising, where required, of the installation of new or improved street surface, white lining, removal of vegetation including hedgerows and replacement of vegetation including hedgerows.
Conwy	Access track from Henllan to Llanefydd Road	Modify the existing stoned track comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 12) between points CN1/2 and CQ to provide temporary access to numbered work 1B during construction.

**PART 2**  
**TEMPORARY ALTERATION OF LAYOUT**

**Table 2**

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street subject to alteration of layout</i>	<i>(3)</i> <i>Description of alteration</i>
Denbighshire	Hafodty Ddu Road	Creation of new southern access comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 1) between points A and B to provide temporary access to numbered work 1A during construction. Comprising, where required, of the installation of new or improved street surface, white lining, removal of vegetation including hedgerows and replacement of vegetation including hedgerows.
Denbighshire	Hafodty Ddu Road	Creation of new northern access comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 1) between points A and B to provide temporary access to numbered work 1A during construction. Comprising, where required, of the installation of new or improved street surface, white lining, removal of vegetation including hedgerows and replacement of vegetation including hedgerows.

<i>(1)</i> Area	<i>(2)</i> Street subject to alteration of layout	<i>(3)</i> Description of alteration
Denbighshire	Hafodty Ddu Road	Extend existing western access comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 1) between points C1 and C2 to provide temporary access to numbered work 1A during construction. Comprising, where required, of the installation of new or improved street surface, white lining, removal of vegetation including hedgerows and replacement of vegetation including hedgerows.
Denbighshire	Hafodty Ddu Road	Extend existing eastern access comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 1) between points C2 and C3 to provide temporary access to numbered work 1A during construction. Comprising, where required, of the installation of new or improved street surface, white lining, removal of vegetation including hedgerows and replacement of vegetation including hedgerows.
Denbighshire	Access track from Hafodty Ddu Road	Creation of temporary stoned track comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 1) between points C1/C2 and D to provide temporary access to numbered work 1A during construction.
Denbighshire	Access track from Hafodty Ddu Road	Creation of temporary stoned track comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 1) between points C2/C3 and E to provide temporary access to numbered work 1A during construction.

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street subject to alteration of layout</i>	<i>(3)</i> <i>Description of alteration</i>
Denbighshire	Hafodty Ddu Road	Creation of new western access comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 1) between points J and K to provide temporary access to numbered work 1A during construction. Comprising, where required, of the installation of new or improved street surface, white lining, removal of vegetation including hedgerows and replacement of vegetation including hedgerows.
Denbighshire	Hafodty Ddu Road	Creation of new eastern access comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 1) between points J and K to provide temporary access to numbered work 1A during construction. Comprising, where required, of the installation of new or improved street surface, white lining, removal of vegetation including hedgerows and replacement of vegetation including hedgerows.
Denbighshire	Hafodty Ddu Road	Creation of new access comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 2) between points L1 and L2 to provide temporary access to numbered work 1A during construction and for maintenance. Comprising, where required, of the installation of new or improved street surface, white lining, removal of vegetation including hedgerows and replacement of vegetation including hedgerows.

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street subject to alteration of layout</i>	<i>(3)</i> <i>Description of alteration</i>
Denbighshire	Access track from Hafodty Ddu Road	Creation of temporary stoned track comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 2) between points L1/L2 and M to provide temporary access to numbered work 1A during construction.
Denbighshire	Nantglyn to Saron Road (B5435)	Creation of new southern access comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 2) between points P and Q to provide temporary access to numbered work 1A during construction. Comprising, where required, of the installation of new or improved street surface, white lining, removal of vegetation including hedgerows and replacement of vegetation including hedgerows.
Denbighshire	Nantglyn to Saron Road (B5435)	Creation of new northern access comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 2) between points P and Q to provide temporary access to numbered work 1A during construction. Comprising, where required, of the installation of new or improved street surface, white lining, removal of vegetation including hedgerows and replacement of vegetation including hedgerows.



<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street subject to alteration of layout</i>	<i>(3)</i> <i>Description of alteration</i>
Denbighshire	Bwlch Road	Extend existing southern access comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 3) between points T2 and U1 to provide temporary access to numbered work 1A during construction. Comprising, where required, of the installation of new or improved street surface, white lining, removal of vegetation including hedgerows and replacement of vegetation including hedgerows.
Denbighshire	Bwlch Road	Upgrade existing northern access comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 3) between points T2 and U1 to provide temporary access to numbered work 1A during construction. Comprising, where required, of the installation of new or improved street surface, white lining, removal of vegetation including hedgerows and replacement of vegetation including hedgerows.
Denbighshire	Prion Road	Extend existing access comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 3) between points X1 and X2 to provide temporary access to numbered work 1A during construction and for maintenance. Comprising, where required, of the installation of new or improved street surface, white lining, removal of vegetation including hedgerows and replacement of vegetation including hedgerows.

<i>(1)</i> Area	<i>(2)</i> Street subject to alteration of layout	<i>(3)</i> Description of alteration
Denbighshire	Access track off Prion Road	Creation of temporary stoned track comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 3) between points X1/X2 and Y to provide temporary access to numbered work 1A during construction.
Denbighshire	Denbigh to Cerrigydrudion Road (B4501)	Extend existing southern access comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 4) between points AB1 and AB2 to provide temporary access to numbered work 1A during construction. Comprising, where required, of the installation of new or improved street surface, white lining, removal of vegetation including hedgerows and replacement of vegetation including hedgerows.
Denbighshire	Denbigh to Cerrigydrudion Road (B4501)	Extend existing northern access comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 4) between points AD1 and AD2 to provide temporary access to numbered work 1A during construction and for maintenance. Comprising, where required, of the installation of new or improved street surface, white lining, removal of vegetation including hedgerows and replacement of vegetation including hedgerows.

<i>(1)</i> Area	<i>(2)</i> Street subject to alteration of layout	<i>(3)</i> Description of alteration
Denbighshire	Access track off Denbigh to Cerrigydrudion Road (B4501)	Creation of temporary stoned track comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 4) between points AD1/AD2 and AE to provide temporary access to numbered work 1A during construction.
Denbighshire	Denbigh to Nantglyn Road	Creation of new access comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 5) between points AH1 and AH2 to provide temporary access to numbered work 1A during construction and for maintenance. Comprising, where required, of the installation of new or improved street surface, white lining, removal of vegetation including hedgerows and replacement of vegetation including hedgerows.
Denbighshire	Access track off Denbigh to Nantglyn Road	Creation of temporary stoned track comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 5) between points AH1/AH2 and AI to provide temporary access to numbered work 1A during construction.
Denbighshire	Denbigh to Nantglyn Road	Creation of new access comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 5) between points AJ and AK to provide temporary access to numbered work 1A during construction. Comprising, where required, of the installation of new or improved street surface, white lining, removal of vegetation including hedgerows and replacement of vegetation including hedgerows.

<i>(1)</i> Area	<i>(2)</i> Street subject to alteration of layout	<i>(3)</i> Description of alteration
Conwy	Ffordd Gwaenynog (Bodeiliog Road)	Extend existing eastern access comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 6) between points AO and AP to provide temporary access to numbered work 1B during construction. Comprising, where required, of the installation of new or improved street surface, white lining, removal of vegetation including hedgerows and replacement of vegetation including hedgerows.
Conwy	Ffordd Gwaenynog (Bodeiliog Road)	Upgrade existing western access comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 6) between points AO and AP to provide temporary access to numbered work 1B during construction. Comprising, where required, of the installation of new or improved street surface, white lining, removal of vegetation including hedgerows and replacement of vegetation including hedgerows.
Conwy	Lon Llewelyn (A543)	Extend existing southern access comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 6) between points AU2 and AV to provide temporary access to numbered work 1B during construction. Comprising, where required, of the installation of new or improved street surface, white lining, removal of vegetation including hedgerows and replacement of vegetation including hedgerows.

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street subject to alteration of layout</i>	<i>(3)</i> <i>Description of alteration</i>
Denbighshire	Lon Llewelyn (A543)	Extend existing southern access comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 6) between points AV and AW to provide temporary access to numbered work 1A during construction. Comprising, where required, of the installation of new or improved street surface, white lining, removal of vegetation including hedgerows and replacement of vegetation including hedgerows.
Conwy	Lon Llewelyn (A543)	Creation of new northern access comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 6) between points AU2 and AV to provide temporary access to numbered work 1B during construction. Comprising, where required, of the installation of new or improved street surface, white lining, removal of vegetation including hedgerows and replacement of vegetation including hedgerows.
Denbighshire	Lon Llewelyn (A543)	Creation of new northern access comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 6) between points AV and AW to provide temporary access to numbered work 1A during construction. Comprising, where required, of the installation of new or improved street surface, white lining, removal of vegetation including hedgerows and replacement of vegetation including hedgerows.

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street subject to alteration of layout</i>	<i>(3)</i> <i>Description of alteration</i>
Denbighshire	Access track from Lon Llewelyn (A543)	Creation of temporary stoned track comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 6) between points AX1/AX2 and AY to provide temporary access to numbered work 1A during construction.
Denbighshire	Access track from Leger Bach	Creation of temporary stoned track comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 6) between points BC and BB to provide temporary access to numbered work 1A during construction.
Conwy	Access track from Leger Bach	Creation of temporary stoned track comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 6) between points BB and BD to provide temporary access to numbered work 1B during construction.
Denbighshire	Access track from Leger Bach	Creation of temporary stoned track comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 6) between points BD and BE to provide temporary access to numbered work 1A during construction.
Conwy	Henllan to Groes Road (B5428)	Creation of new southern access comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 8) between points BH and BI2 to provide temporary access to numbered work 1B during construction. Comprising, where required, of the installation of new or improved street surface, white lining, removal of vegetation including hedgerows and replacement of vegetation including hedgerows.

<i>(1)</i> Area	<i>(2)</i> Street subject to alteration of layout	<i>(3)</i> Description of alteration
Conwy	Henllan to Groes Road (B5428)	Creation of new northern access comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 8) between points BH and BI2 to provide temporary access to numbered work 1B during construction. Comprising, where required, of the installation of new or improved street surface, white lining, removal of vegetation including hedgerows and replacement of vegetation including hedgerows.
Conwy	Eriviat Bach Road	Creation of new southern access comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 8) between points BJ and BK2 to provide temporary access to numbered work 1B during construction. Comprising, where required, of the installation of new or improved street surface, white lining, removal of vegetation including hedgerows and replacement of vegetation including hedgerows.
Conwy	Eriviat Bach Road	Creation of new northern access comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 8) between points BJ and BK2 to provide temporary access to numbered work 1B during construction. Comprising, where required, of the installation of new or improved street surface, white lining, removal of vegetation including hedgerows and replacement of vegetation including hedgerows.

<i>(1)</i> Area	<i>(2)</i> Street subject to alteration of layout	<i>(3)</i> Description of alteration
Conwy	Henllan to Llansannan Road (B5382)	Creation of new southern access comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 9) between points BN2 and BO to provide temporary access to numbered work 1B during construction. Comprising, where required, of the installation of new or improved street surface, white lining, removal of vegetation including hedgerows and replacement of vegetation including hedgerows.
Conwy	Henllan to Llansannan Road (B5382)	Extend existing northern access comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 9) between points BN2 and BO to provide temporary access to numbered work 1B during construction. Comprising, where required, of the installation of new or improved street surface, white lining, removal of vegetation including hedgerows and replacement of vegetation including hedgerows.
Conwy	Henllan to Cefn Berain Road	Extend existing access comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 10) between points BR1 and BR2 to provide temporary access to numbered work 1B during construction. Comprising, where required, of the installation of new or improved street surface, white lining, removal of vegetation including hedgerows and replacement of vegetation including hedgerows.



<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street subject to alteration of layout</i>	<i>(3)</i> <i>Description of alteration</i>
Conwy	Access track from Henllan to Cefn Berain Road	Creation of temporary stoned track comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 10) between points BR1/BR2 and BS to provide temporary access to numbered work 1B during construction.
Conwy	Henllan to Cefn Berain Road	Extend existing southern access comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 10) between points BT2 and BU to provide temporary access to numbered work 1B during construction. Comprising, where required, of the installation of new or improved street surface, white lining, removal of vegetation including hedgerows and replacement of vegetation including hedgerows.
Conwy	Henllan to Cefn Berain Road	Extend existing northern access comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 10) between points BT2 and BU to provide temporary access to numbered work 1B during construction. Comprising, where required, of the installation of new or improved street surface, white lining, removal of vegetation including hedgerows and replacement of vegetation including hedgerows.

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street subject to alteration of layout</i>	<i>(3)</i> <i>Description of alteration</i>
Conwy	Cefn Berain to Bontnewydd Road	Extend existing southern access comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 10) between points BV and BW2 to provide temporary access to numbered work 1B during construction. Comprising, where required, of the installation of new or improved street surface, white lining, removal of vegetation including hedgerows and replacement of vegetation including hedgerows.
Conwy	Cefn Berain to Bontnewydd Road	Creation of new northern access comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 10) between points BV and BW2 to provide temporary access to numbered work 1B during construction. Comprising, where required, of the installation of new or improved street surface, white lining, removal of vegetation including hedgerows and replacement of vegetation including hedgerows.
Conwy	Henllan to Llanefydd Road	Creation of new northern access comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 10) between points CD1 and CD2 to provide temporary access to numbered work 1B during construction. Comprising, where required, of the installation of new or improved street surface, white lining, removal of vegetation including hedgerows and replacement of vegetation including hedgerows.

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street subject to alteration of layout</i>	<i>(3)</i> <i>Description of alteration</i>
Conwy	Henllan to Llanefydd Road	Upgrade existing eastern access comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 11) between points CB2 and CE1 to provide temporary access to numbered work 1B during construction. Comprising, where required, of the installation of new or improved street surface, white lining, removal of vegetation including hedgerows and replacement of vegetation including hedgerows.
Conwy	Henllan to Llanefydd Road	Extend existing access comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 11) between points CB1 and CA1 to provide temporary access to numbered work 1B during construction. Comprising, where required, of the installation of new or improved street surface, white lining, removal of vegetation including hedgerows and replacement of vegetation including hedgerows.
Conwy	Bontnewydd Road	Upgrade existing southern access comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 11) between points CF and CG to provide temporary access to numbered work 1B during construction. Comprising, where required, of the installation of new or improved street surface, white lining, removal of vegetation including hedgerows and replacement of vegetation including hedgerows.

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street subject to alteration of layout</i>	<i>(3)</i> <i>Description of alteration</i>
Conwy	Bontnewydd Road	Upgrade existing northern access comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 11) between points CF and CG to provide temporary access to numbered work 1B during construction. Comprising, where required, of the installation of new or improved street surface, white lining, removal of vegetation including hedgerows and replacement of vegetation including hedgerows.
Conwy	Bontnewydd Road	Extend existing northern access comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 11) between points CH and CI2 to provide temporary access to numbered work 1B during construction. Comprising, where required, of the installation of new or improved street surface, white lining, removal of vegetation including hedgerows and replacement of vegetation including hedgerows.
Denbighshire	Groesffordd Marli to Cefn Meiriadog Road	Creation of new southern access comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 13) between points CR and CS to provide temporary access to numbered work 1A during construction.

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street subject to alteration of layout</i>	<i>(3)</i> <i>Description of alteration</i>
Denbighshire	Groesffordd Marli to Cefn Meiriadog Road	Extend existing northern access comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 13) between points CR and CS to provide temporary access to numbered work 1A during construction. Comprising, where required, of the installation of new or improved street surface, white lining, removal of vegetation including hedgerows and replacement of vegetation including hedgerows.
Denbighshire	Groesffordd Marli to Glascoed Road	Extend existing access comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 13) between points CT1 and CT2 to provide temporary access to numbered work 1A during construction and for maintenance. Comprising, where required, of the installation of new or improved street surface, white lining, removal of vegetation including hedgerows and replacement of vegetation including hedgerows.
Denbighshire	Access track from Groesffordd Marli to Glascoed Road	Creation of temporary stoned track comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 13) between points CT1/CT2 and CU to provide temporary access to numbered work 1A during construction.

## SCHEDULE 4

Article 11

### STREETS SUBJECT TO STREET WORKS

**Table 3**

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street subject to street works</i>
Denbighshire	Hafodty Ddu Road
Denbighshire	Access tracks off Hafodty Ddu Road
Denbighshire	Nantglyn to Saron Road (B5435)
Denbighshire	Bwlch Road
Denbighshire	Prion Road
Denbighshire	Access track off Prion Road
Denbighshire	Denbigh to Cerrigydrudion Road (B4501)
Denbighshire	Access track off Denbigh to Cerrigydrudion Road (B4501)
Denbighshire	Denbigh to Nantglyn Road
Denbighshire	Access track off Denbigh to Nantglyn Road
Conwy	Ffordd Gwaenynog (Bodeiliog Road)
Conwy	Lon Llewelyn (A543)
Denbighshire	Lon Llewelyn (A543)
Conwy	Access tracks off Lon Llewelyn (A543)
Denbighshire	Access tracks off Lon Llewelyn (A543)
Denbighshire	Access track off Lon Llewelyn (A543) to Broadleys Farm
Conwy	Henllan to Groes Road (B5428)
Conwy	Eriviat Bach Road
Conwy	Henllan to Llansannan Road (B5382)
Conwy	Henllan to Cefn Berain Road
Conwy	Access track off Henllan to Cefn Berain Road

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street subject to street works</i>
Conwy	Cefn Berain to Bontnewydd Road
Conwy	Henllan to Llanefydd Road
Conwy	Access track off Henllan to Cefn Berain Road
Conwy	Bontnewydd Road
Conwy	Access track off Henllan to Llanefydd Road
Denbighshire	Groesffordd Marli to Cefn Meiriadog Road
Denbighshire	Groesffordd Marli to Glascoed Road
Denbighshire	Access track off Groesffordd Marli to Glascoed Road

SCHEDULE 5

Article 12

ACCESS

PART 1

THOSE PARTS OF ACCESSSES TO BE MAINTAINED AT THE PUBLIC EXPENSE

**Table 4**

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street</i>	<i>(3)</i> <i>Description of relevant part of access</i>
Denbighshire	Hafodty Ddu Road	The new southern access comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 1) hatched green between points A and B.
Denbighshire	Hafodty Ddu Road	The new northern access comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 1) hatched green between points A and B.
Denbighshire	Hafodty Ddu Road	The extension of the existing western access comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 1) hatched green between points C1 and C2.
Denbighshire	Hafodty Ddu Road	The extension of the existing eastern access comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 1) hatched green between points C2 and C3.
Denbighshire	Hafodty Ddu Road	The new western access comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 1) hatched green between points J and K.



<i>(1)</i> Area	<i>(2)</i> Street	<i>(3)</i> Description of relevant part of access
Denbighshire	Hafodty Ddu Road	The new eastern access comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 1) hatched green between points J and K.
Denbighshire	Hafodty Ddu Road	The new access comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 2) hatched green between points L1 and L2.
Denbighshire	Nantglyn to Saron Road (B5435)	The new southern access comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 2) hatched green between points P and Q.
Denbighshire	Nantglyn to Saron Road (B5435)	The new northern access comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 2) hatched green between points P and Q.
Denbighshire	Bwlch Road	The extension of existing southern access comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 3) hatched green between points T2 and U1.
Denbighshire	Bwlch Road	The upgrade of existing northern access comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 3) hatched green between points T2 and U1.
Denbighshire	Prion Road	The extension of an existing access comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 3) hatched green between points X1 and X2.

<i>(1)</i> Area	<i>(2)</i> Street	<i>(3)</i> Description of relevant part of access
Denbighshire	Denbigh to Cerrigydrudion Road (B4501)	The extension of the existing southern access comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 4) hatched green between points AB1 and AB2.
Denbighshire	Denbigh to Cerrigydrudion Road (B4501)	The extension of the existing northern access comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 4) hatched green between points AD1 and AD2.
Denbighshire	Denbigh to Nantglyn Road	The new access comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 5) hatched green between points AH1 and AH2.
Denbighshire	Denbigh to Nantglyn Road	The new access comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 5) hatched green between points AJ and AK.
Conwy	Ffordd Gwaenynog (Bodeiliog Road)	The extension of the existing eastern access comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 6) hatched blue between points AO and AP.
Conwy	Ffordd Gwaenynog (Bodeiliog Road)	The upgrade of the existing western access comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 6) hatched blue between points AO and AP.

<i>(1)</i> Area	<i>(2)</i> Street	<i>(3)</i> Description of relevant part of access
Conwy	Lon Llewelyn (A543)	The extension of the existing southern access comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 6) hatched blue between points AU2 and AV.
Conwy	Lon Llewelyn (A543)	The new northern access comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 6) hatched blue between points AU2 and AV.
Denbighshire	Lon Llewelyn (A543)	The extension of the existing southern access comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 6) hatched green between points AV and AW.
Denbighshire	Lon Llewelyn (A543)	The new northern access comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 6) hatched green between points AV and AW.
Denbighshire	Lon Llewelyn (A543)	The extension of the existing access comprising part of numbered works 4 and shown on the access and rights of way plans (sheet 7) hatched green between points AQ1 and AQ2.
Conwy	Henllan to Groes Road (B5428)	The new southern access comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 8) hatched blue between points BH and BI2.
Conwy	Henllan to Groes Road (B5428)	The new northern access comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 8) hatched blue between points BH and BI2.

<i>(1)</i> Area	<i>(2)</i> Street	<i>(3)</i> Description of relevant part of access
Conwy	Eriviat Bach Road	The new southern access comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 8) hatched blue between points BJ and BK2.
Conwy	Eriviat Bach Road	The new northern access comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 8) hatched blue between points BJ and BK2.
Conwy	Henllan to Llansannan Road (B5382)	The new southern access comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 9) hatched blue between points BN2 and BO.
Conwy	Henllan to Llansannan Road (B5382)	The extension of the existing northern access comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 9) hatched blue between points BN2 and BO.
Conwy	Henllan to Cefn Berain Road	The extension of the existing access comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 10) hatched blue between points BR1 and BR2.
Conwy	Henllan to Cefn Berain Road	The extension of the existing southern access comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 10) hatched blue between points BT2 and BU.
Conwy	Henllan to Cefn Berain Road	The extension of the existing northern access comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 10) hatched blue between points BT2 and BU.

<i>(1)</i> Area	<i>(2)</i> Street	<i>(3)</i> Description of relevant part of access
Conwy	Cefn Berain to Bontnewydd Road	The extension of the existing southern access comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 10) hatched blue between points BV and BW2.
Conwy	Cefn Berain to Bontnewydd Road	The new northern access comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 10) hatched blue between points BV and BW2.
Conwy	Henllan to Llanefydd Road	The upgrade to existing access comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 10) hatched blue between points BY1 and BY2.
Conwy	Henllan to Llanefydd Road	The new access north comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 10) hatched blue between points CD1 and CD2.
Conwy	Henllan to Llanefydd Road	The upgrade to existing access comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 11) hatched blue between points CB2 and CE1.
Conwy	Henllan to Llanefydd Road	The extension of the existing access comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 11) hatched blue between points CB1 and CA1.
Conwy	Bontnewydd Road	The upgrade to existing southern access comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 11) hatched blue between points CF and CG.

<i>(1)</i> Area	<i>(2)</i> Street	<i>(3)</i> Description of relevant part of access
Conwy	Bontnewydd Road	The upgrade to existing northern access comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 11) hatched blue between points CF and CG.
Conwy	Bontnewydd Road	The extension of the existing access comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 11) hatched blue between points CH and CI2.
Conwy	Bontnewydd Road	The extension of the existing access comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 11) hatched blue between points CJ1 and CJ2.
Conwy	Henllan to Llanefydd Road	The upgrade to existing access comprising part of numbered works 2B and shown on the access and rights of way plans (sheet 12) hatched blue between points CN1 and CN2.
Denbighshire	Groesffordd Marli to Cefn Meiriadog Road	The new southern access comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 13) hatched green between points CR and CS.
Denbighshire	Groesffordd Marli to Cefn Meiriadog Road	The extension of the existing northern access comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 13) hatched green between points CR and CS.

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street</i>	<i>(3)</i> <i>Description of relevant part of access</i>
Denbighshire	Groesffordd Marli to Glascoed Road	The extension of the existing access comprising part of numbered works 2A and shown on the access and rights of way plans (sheet 13) hatched green between points CT1 and CT2.

## PART 2

### THOSE WORKS TO RESTORE TEMPORARY ACCESSES WHICH WILL BE MAINTAINED AT THE PUBLIC EXPENSE

**Table 5**

<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Street</i>	<i>(3)</i> <i>Description of relevant part of access</i>
Denbighshire	Hafodty Ddu Road	The restoration works restoring the southern access shown on the access and rights of way plans (sheet 1) hatched green between points A and B following the completion and installation of numbered work 1A.
Denbighshire	Hafodty Ddu Road	The restoration works restoring the northern access shown on the access and rights of way plans (sheet 1) hatched green between points A and B following the completion and installation of numbered work 1A.
Denbighshire	Hafodty Ddu Road	The restoration works restoring the western access shown on the access and rights of way plans (sheet 1) hatched green between points C1 and C2 following the completion and installation of numbered work 1A.
Denbighshire	Hafodty Ddu Road	The restoration works restoring the eastern access shown on the access and rights of way plans (sheet 1) hatched green between points C2 and C3 following the completion and installation of numbered work 1A.
Denbighshire	Hafodty Ddu Road	The restoration works restoring the western access shown on the access and rights of way plans (sheet 1) hatched green between points J and K following the completion and installation of numbered work 1A.



<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Street</i>	<i>(3)</i> <i>Description of relevant part of access</i>
Denbighshire	Hafody Ddu Road	The restoration works restoring the eastern access shown on the access and rights of way plans (sheet 1) hatched green between points J and K following the completion and installation of numbered work 1A.
Denbighshire	Hafody Ddu Road	The restoration works restoring the access shown on the access and rights of way plans (sheet 2) hatched green between points L1 and L2 following the completion and installation of numbered work 1A.
Denbighshire	Nantglyn to Saron Road (B5435)	The restoration works restoring the southern access shown on the access and rights of way plans (sheet 2) hatched green between points P and Q following the completion and installation of numbered work 1A.
Denbighshire	Nantglyn to Saron Road (B5435)	The restoration works restoring the northern access shown on the access and rights of way plans (sheet 2) hatched green between points P and Q following the completion and installation of numbered work 1A.
Denbighshire	Bwlch Road	The restoration works restoring the southern access shown on the access and rights of way plans (sheet 3) hatched green between points T2 and U1 following the completion and installation of numbered work 1A.

<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Street</i>	<i>(3)</i> <i>Description of relevant part of access</i>
Denbighshire	Bwlch Road	The restoration works restoring the northern access shown on the access and rights of way plans (sheet 3) hatched green between points T2 and U1 following the completion and installation of numbered work 1A.
Denbighshire	Prion Road	The restoration works restoring the access shown on the access and rights of way plans (sheet 3) hatched green between points X1 and X2 following the completion and installation of numbered work 1A.
Denbighshire	Denbigh to Cerrigydrudion Road (B4501)	The restoration works restoring the southern access shown on the access and rights of way plans (sheet 4) hatched green between points AB1 and AB2 following the completion and installation of numbered work 1A.
Denbighshire	Denbigh to Cerrigydrudion Road (B4501)	The restoration works restoring the northern access shown on the access and rights of way plans (sheet 4) hatched green between points AD1 and AD2 following the completion and installation of numbered work 1A.
Denbighshire	Denbigh to Nantglyn Road	The restoration works restoring the access shown on the access and rights of way plans (sheet 5) hatched green between points AH1 and AH2 following the completion and installation of numbered work 1A.

<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Street</i>	<i>(3)</i> <i>Description of relevant part of access</i>
Denbighshire	Denbigh to Nantglyn Road	The restoration works restoring the access shown on the access and rights of way plans (sheet 5) hatched green between points AJ and AK following the completion and installation of numbered work 1A.
Conwy	Ffordd Gwaenynog (Bodeiliog Road)	The restoration works restoring the eastern access shown on the access and rights of way plans (sheet 6) hatched blue between points AO and AP following the completion and installation of numbered work 1B.
Conwy	Ffordd Gwaenynog (Bodeiliog Road)	The restoration works restoring the western access shown on the access and rights of way plans (sheet 6) hatched blue between points AO and AP following the completion and installation of numbered work 1B.
Conwy	Lon Llewelyn (A543)	The restoration works restoring the southern access shown on the access and rights of way plans (sheet 6) hatched blue between points AU2 and AV following the completion and installation of numbered work 1B.
Conwy	Lon Llewelyn (A543)	The restoration works restoring the northern access shown on the access and rights of way plans (sheet 6) hatched blue between points AU2 and AV following the completion and installation of numbered work 1B.

<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Street</i>	<i>(3)</i> <i>Description of relevant part of access</i>
Denbighshire	Lon Llewelyn (A543)	The restoration works restoring the southern access shown on the access and rights of way plans (sheet 6) hatched green between points AV and AW following the completion and installation of numbered work 1A.
Denbighshire	Lon Llewelyn (A543)	The restoration works restoring the northern access shown on the access and rights of way plans (sheet 6) hatched green between points AV and AW following the completion and installation of numbered work 1A.
Conwy	Henllan to Groes Road (B5428)	The restoration works restoring the southern access shown on the access and rights of way plans (sheet 8) hatched blue between points BH and BI2 following the completion and installation of numbered work 1B.
Conwy	Henllan to Groes Road (B5428)	The restoration works restoring the northern access shown on the access and rights of way plans (sheet 8) hatched blue between points BH and BI2 following the completion and installation of numbered work 1B.
Conwy	Eriviach Bach Road	The restoration works restoring the southern access shown on the access and rights of way plans (sheet 8) hatched blue between points BJ and BK2 following the completion and installation of numbered work 1B.

<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Street</i>	<i>(3)</i> <i>Description of relevant part of access</i>
Conwy	Eriviat Bach Road	The restoration works restoring the northern access shown on the access and rights of way plans (sheet 8) hatched blue between points BJ and BK2 following the completion and installation of numbered work 1B.
Conwy	Henllan to Llansannan Road (B5382)	The restoration works restoring the southern access shown on the access and rights of way plans (sheet 9) hatched blue between points BN2 and BO following the completion and installation of numbered work 1B.
Conwy	Henllan to Llansannan Road (B5382)	The restoration works restoring the northern access shown on the access and rights of way plans (sheet 9) hatched blue between points BN2 and BO following the completion and installation of numbered work 1B.
Conwy	Henllan to Cefn Berain Road	The restoration works restoring the access shown on the access and rights of way plans (sheet 10) hatched blue between points BR1 and BR2 following the completion and installation of numbered work 1B.
Conwy	Henllan to Cefn Berain Road	The restoration works restoring the southern access shown on the access and rights of way plans (sheet 10) hatched blue between points BT2 and BU following the completion and installation of numbered work 1B.

<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Street</i>	<i>(3)</i> <i>Description of relevant part of access</i>
Conwy	Henllan to Cefn Berain Road	The restoration works restoring the northern access shown on the access and rights of way plans (sheet 10) hatched blue between points BT2 and BU following the completion and installation of numbered work 1B.
Conwy	Cefn Berain to Bontnewydd Road	The restoration works restoring the southern access shown on the access and rights of way plans (sheet 10) hatched blue between points BV and BW2 following the completion and installation of numbered work 1B.
Conwy	Cefn Berain to Bontnewydd Road	The restoration works restoring the northern access shown on the access and rights of way plans (sheet 10) hatched blue between points BV and BW2 following the completion and installation of numbered work 1B.
Conwy	Henllan to Llanefydd Road	The restoration works restoring the northern access shown on the access and rights of way plans (sheet 10) hatched blue between points CD1 and CD2 following the completion and installation of numbered work 1B.
Conwy	Henllan to Llanefydd Road	The restoration works restoring the access shown on the access and rights of way plans (sheet 11) hatched blue between points CB2 and CE1 following the completion and installation of numbered work 1B.

<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Street</i>	<i>(3)</i> <i>Description of relevant part of access</i>
Conwy	Henllan to Llanefydd Road	The restoration works restoring the access shown on the access and rights of way plans (sheet 11) hatched blue between points CB1 and CA1 following the completion and installation of numbered work 1B.
Conwy	Bontnewydd Road	The restoration works restoring the southern access shown on the access and rights of way plans (sheet 11) hatched blue between points CF and CG following the completion and installation of numbered work 1B.
Conwy	Bontnewydd Road	The restoration works restoring the northern access shown on the access and rights of way plans (sheet 11) hatched blue between points CF and CG following the completion and installation of numbered work 1B.
Conwy	Bontnewydd Road	The restoration works restoring the access shown on the access and rights of way plans (sheet 11) hatched blue between points CH and CI2 following the completion and installation of numbered work 1B.
Denbighshire	Groesffordd Marli to Cefn Meiriadog Road	The restoration works restoring the southern access shown on the access and rights of way plans (sheet 13) hatched green between points CR and CS following the completion and installation of numbered work 1A.

<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Street</i>	<i>(3)</i> <i>Description of relevant part of access</i>
Denbighshire	Groesffordd Marli to Cefn Meiriadog Road	The restoration works restoring the northern access shown on the access and rights of way plans (sheet 13) hatched green between points CR and CS following the completion and installation of numbered work 1A.
Denbighshire	Groesffordd Marli to Glascoed Road	The restoration works restoring the access shown on the access and rights of way plans (sheet 13) hatched green between points CT1 and CT2 following the completion and installation of numbered work 1A.



### PART 3

#### THOSE WORKS TO RESTORE TEMPORARY ACCESSSES WHICH WILL BE MAINTAINED BY THE STREET AUTHORITY

**Table 6**

<i>(1)</i> Area	<i>(2)</i> Street	<i>(3)</i> Description of the relevant part of access
Denbighshire	Hafodty Ddu Road	The restoration works restoring the southern access shown on the access and rights of way plans (sheet 1) hatched red between points A and B following the completion and installation of numbered work 1A.
Denbighshire	Hafodty Ddu Road	The restoration works restoring the northern access shown on the access and rights of way plans (sheet 1) hatched red between points A and B following the completion and installation of numbered work 1A.
Denbighshire	Access track from Hafodty Ddu Road	The restoration works restoring the western access shown on the access and rights of way plans (sheet 1) hatched red between points C1/C2 and D following the completion and installation of numbered work 1A.
Denbighshire	Access track from Hafodty Ddu Road	The restoration works restoring the eastern access shown on the access and rights of way plans (sheet 1) hatched red between points C2/C3 and E following the completion and installation of numbered work 1A.

<i>(1)</i> Area	<i>(2)</i> Street	<i>(3)</i> <i>Description of the relevant part of access</i>
Denbighshire	Hafodty Ddu Road	The restoration works restoring the western access shown on the access and rights of way plans (sheet 2) hatched red between points J and K following the completion and installation of numbered work 1A.
Denbighshire	Hafodty Ddu Road	The restoration works restoring the eastern access shown on the access and rights of way plans (sheet 2) hatched red between points J and K following the completion and installation of numbered work 1A.
Denbighshire	Access track from Hafodty Ddu Road	The restoration works restoring the access shown on the access and rights of way plans (sheet 2) hatched red between points L1/L2 and M following the completion and installation of numbered work 1A.
Denbighshire	Nantglyn to Saron Road (B5435)	The restoration works restoring the southern access shown on the access and rights of way plans (sheet 2) hatched red between points P and Q following the completion and installation of numbered work 1A.
Denbighshire	Nantglyn to Saron Road (B5435)	The restoration works restoring the northern access shown on the access and rights of way plans (sheet 2) hatched red between points P and Q following the completion and installation of numbered work 1A.

<i>(1)</i> Area	<i>(2)</i> Street	<i>(3)</i> <i>Description of the relevant part of access</i>
Denbighshire	Bwlch Road	The restoration works restoring the southern access shown on the access and rights of way plans (sheet 3) hatched red between points T2 and U1 following the completion and installation of numbered work 1A.
Denbighshire	Bwlch Road	The restoration works restoring the northern access shown on the access and rights of way plans (sheet 3) hatched red between points T2 and U1 following the completion and installation of numbered work 1A.
Denbighshire	Access track from Hafodty Ddu Road	The restoration works restoring the access shown on the access and rights of way plans (sheet 3) hatched red between points X1/X2 and Y following the completion and installation of numbered work 1A.
Denbighshire	Denbigh to Cerrigydrudion Road (B4501)	The restoration works restoring the access shown on the access and rights of way plans (sheet 4) hatched red between points AB1 and AB2 following the completion and installation of numbered work 1A.
Denbighshire	Access track from Denbigh to Cerrigydrudion Road (B4501)	The restoration works restoring the access shown on the access and rights of way plans (sheet 4) hatched red between points AD1/AD2 and AE following the completion and installation of numbered work 1A.

<i>(1)</i> Area	<i>(2)</i> Street	<i>(3)</i> Description of the relevant part of access
Denbighshire	Access track from Denbigh to Nantglyn Road	The restoration works restoring the access shown on the access and rights of way plans (sheet 5) hatched red between points AH1/AH2 and AI following the completion and installation of numbered work 1A.
Denbighshire	Denbigh to Nantglyn Road	The restoration works restoring the access shown on the access and rights of way plans (sheet 5) hatched red between points AJ and AK following the completion and installation of numbered work 1A.
Conwy	Ffordd Gwaenynog (Bodeiliog Road)	The restoration works restoring the eastern access shown on the access and rights of way plans (sheet 6) hatched pink between points AO and AP following the completion and installation of numbered work 1B.
Conwy	Ffordd Gwaenynog (Bodeiliog Road)	The restoration works restoring the western access shown on the access and rights of way plans (sheet 6) hatched pink between points AO and AP following the completion and installation of numbered work 1B.
Denbighshire	Lon Llewelyn (A543)	The restoration works restoring the southern access shown on the access and rights of way plans (sheet 6) hatched red between points AU2 and AW following the completion and installation of numbered work 1A.

<i>(1)</i> Area	<i>(2)</i> Street	<i>(3)</i> <i>Description of the relevant part of access</i>
Denbighshire	Lon Llewelyn (A543)	The restoration works restoring the access shown on the access and rights of way plans (sheet 6) hatched red between points AV and AW following the completion and installation of numbered work 1A.
Conwy	Lon Llewelyn (A543)	The restoration works restoring the access shown on the access and rights of way plans (sheet 6) hatched pink between points AU2 and AV following the completion and installation of numbered work 1B.
Denbighshire	Access track from Lon Llewelyn (A543)	The restoration works restoring the access shown on the access and rights of way plans (sheet 6) hatched red between points AX1/AX2 and AY following the completion and installation of numbered work 1A.
Denbighshire	Access track from Leger Bach	The restoration works restoring the access shown on the access and rights of way plans (sheet 6) hatched red between points BC and BB following the completion and installation of numbered work 1A.
Conwy	Access track from Leger Bach	The restoration works restoring the access shown on the access and rights of way plans (sheet 6) hatched pink between points BB and BD following the completion and installation of numbered work 1B.

<i>(1)</i> Area	<i>(2)</i> Street	<i>(3)</i> <i>Description of the relevant part of access</i>
Denbighshire	Access track from Leger Bach	The restoration works restoring the access shown on the access and rights of way plans (sheet 6) hatched red between points BD and BE following the completion and installation of numbered work 1A.
Conwy	Henllan to Groes Road (B5428)	The restoration works restoring the southern access shown on the access and rights of way plans (sheet 8) hatched pink between points BH and BI2 following the completion and installation of numbered work 1B.
Conwy	Henllan to Groes Road (B5428)	The restoration works restoring the northern access shown on the access and rights of way plans (sheet 8) hatched pink between points BH and BI2 following the completion and installation of numbered work 1B.
Conwy	Eriviat Bach Road	The restoration works restoring the southern access shown on the access and rights of way plans (sheet 8) hatched pink between points BJ and BK2 following the completion and installation of numbered work 1B.
Conwy	Eriviat Bach Road	The restoration works restoring the northern access shown on the access and rights of way plans (sheet 8) hatched pink between points BJ and BK2 following the completion and installation of numbered work 1B.

<i>(1)</i> Area	<i>(2)</i> Street	<i>(3)</i> <i>Description of the relevant part of access</i>
Conwy	Henllan to Llansannan Road (B5382)	The restoration works restoring the southern access shown on the access and rights of way plans (sheet 9) hatched pink between points BN2 and BO following the completion and installation of numbered work 1B.
Conwy	Henllan to Llansannan Road (B5382)	The restoration works restoring the northern access shown on the access and rights of way plans (sheet 9) hatched pink between points BN2 and BO following the completion and installation of numbered work 1B.
Conwy	Access track from Henllan to Cefn Berain Road	The restoration works restoring the access shown on the access and rights of way plans (sheet 10) hatched pink between points BR1/BR2 and BS following the completion and installation of numbered work 1B.
Conwy	Henllan to Cefn Berain Road	The restoration works restoring the southern access shown on the access and rights of way plans (sheet 10) hatched pink between points BT2 and BU following the completion and installation of numbered work 1B.
Conwy	Henllan to Cefn Berain Road	The restoration works restoring the northern access shown on the access and rights of way plans (sheet 10) hatched pink between points BT2 and BU following the completion and installation of numbered work 1B.

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street</i>	<i>(3)</i> <i>Description of the relevant part of access</i>
Conwy	Cefn Berain to Bontnewydd Road	The restoration works restoring the southern access shown on the access and rights of way plans (sheet 10) hatched pink between points BV and BW2 following the completion and installation of numbered work 1B.
Conwy	Cefn Berain to Bontnewydd Road	The restoration works restoring the northern access shown on the access and rights of way plans (sheet 10) hatched pink between points BV and BW2 following the completion and installation of numbered work 1B.
Conwy	Henllan to Llanefydd Road	The restoration works restoring the northern access shown on the access and rights of way plans (sheet 10) hatched pink between points CD1 and CD2 following the completion and installation of numbered work 1B.
Conwy	Henllan to Llanefydd Road	The restoration works restoring the access shown on the access and rights of way plans (sheet 11) hatched pink between points CB2 and CE1 following the completion and installation of numbered work 1B.
Conwy	Henllan to Llanefydd Road	The restoration works restoring the access shown on the access and rights of way plans (sheet 11) hatched pink between points CB1 and CA1 following the completion and installation of numbered work 1B.



<i>(1)</i> Area	<i>(2)</i> Street	<i>(3)</i> <i>Description of the relevant part of access</i>
Conwy	Bontnewydd Road	The restoration works restoring the southern access shown on the access and rights of way plans (sheet 11) hatched pink between points CF and CG following the completion and installation of numbered work 1B.
Conwy	Bontnewydd Road	The restoration works restoring the northern access shown on the access and rights of way plans (sheet 11) hatched pink between points CF and CG following the completion and installation of numbered work 1B.
Conwy	Bontnewydd Road	The restoration works restoring the access shown on the access and rights of way plans (sheet 11) hatched pink between points CH and CI2 following the completion and installation of numbered work 1B.
Denbighshire	Groesffordd Marli to Cefn Meiriadog Road	The restoration works restoring the southern access shown on the access and rights of way plans (sheet 13) hatched red between points CR and CS following the completion and installation of numbered work 1A.
Denbighshire	Groesffordd Marli to Cefn Meiriadog Road	The restoration works restoring the northern access shown on the access and rights of way plans (sheet 13) hatched red between points CR and CS following the completion and installation of numbered work 1A.

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street</i>	<i>(3)</i> <i>Description of the relevant part of access</i>
Denbighshire	Access track from Groesffordd Marli to Cefn Meiriadog Road	The restoration works restoring the access shown on the access and rights of way plans (sheet 13) hatched red between points CT1/CT2 to CU following the completion and installation of numbered work 1A.

## PART 4

### THOSE PARTS OF ACCESSES TO BE MAINTAINED BY THE STREET AUTHORITY

**Table 7**

<i>(1)</i> Area	<i>(2)</i> Street	<i>(3)</i> Description of the relevant part of access
Denbighshire	Access track from Leger Bach	The modified existing tarmacked track shown on the access and rights of way plans (sheet 6) hatched red between points AZ1/AZ2 to BA following the cessation of its use for the construction of numbered work 1A.
Conwy	Access track from Leger Bach	The modified existing tarmacked track shown on the access and rights of way plans (sheet 6) hatched pink between points BA to BB following the cessation of its use for the construction of numbered work 1B.
Denbighshire	Access track from A543 to Broadleys Farm	The modified existing track shown on the access and rights of way plans (sheet 7) hatched red between points AQ1/AQ2 to AR following the cessation of its use for the construction of numbered work 1A.
Conwy	Access track from Henllan to Llanefydd Road	The modified existing stoned track shown on the access and rights of way plans (sheet 10) hatched pink between points BY1/BY2 and BZ following the cessation of its use for the construction of numbered work 1B.
Conwy	Access track from Bontnewydd Road	The modified existing stoned track shown on the access and rights of way plans (sheet 11) hatched pink between points CJ1/CJ2 and CK following the cessation of its use for the construction of numbered work 1B.

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street</i>	<i>(3)</i> <i>Description of the relevant part of access</i>
Conwy	Access track from Henllan to Llanefydd Road	The modified existing stoned track shown on the access and rights of way plans (sheet 12) hatched pink between points CN1/CN2 and CQ following the cessation of its use for the construction of numbered work 1B.

SCHEDULE 6

Article 13

TEMPORARY PROHIBITION OR RESTRICTION OF THE USE OF  
STREETS OR PUBLIC RIGHTS OF WAY

**Table 8**

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street or public right of way</i>	<i>(3)</i> <i>Extent of temporary prohibition or restriction of use of streets or public right of way</i>
Denbighshire	Hafodty Ddu Road	<p><b>Prohibition/restriction</b> From the points marked A to B on the access and rights of way plans (sheet 1), being approximately 120 metres.</p> <p><b>Purpose of the Prohibition/Restriction</b> Temporary closure of part of the street and the ability to permit, prohibit, or restrict the stopping, parking, waiting, loading or unloading of vehicles and the provision of the direction of or priority of vehicular traffic to facilitate the construction and installation of the authorised development.</p>
Denbighshire	Hafodty Ddu Road	<p><b>Prohibition/restriction</b> From the points marked C1 to C3 on the access and rights of way plans (sheet 1), being approximately 37 metres.</p> <p><b>Purpose of the Prohibition/Restriction</b> Temporary closure of part of the street and the ability to permit, prohibit, or restrict the stopping, parking, waiting, loading or unloading of vehicles and the provision of the direction of or priority of vehicular traffic to facilitate the construction and installation of the authorised development.</p>

<i>(1)</i> Area	<i>(2)</i> Street or public right of way	<i>(3)</i> Extent of temporary prohibition or restriction of use of streets or public right of way
Denbighshire	Footpath 51	<p><b>Prohibition/restriction</b> Management of access to public right of way from the points marked F to G as shown on the access and rights of way plans (sheet 1), being approximately 35 metres.</p> <p><b>Purpose of the Prohibition/restriction</b> Management of all or part of the footpath and restriction of the use of the footpath in order to facilitate the construction and installation of the authorised development.</p>
Denbighshire	Footpath 52	<p><b>Prohibition/restriction</b> Temporary closure from the points marked H to I as shown on the access and rights of way plans (sheet 1), being approximately 38 metres.</p> <p><b>Purpose of the Prohibition/restriction</b> Temporary closure of all or part of the footpath and restriction of the use of the footpath in order to facilitate the construction and installation of the authorised development.</p>

<i>(1)</i> Area	<i>(2)</i> Street or public right of way	<i>(3)</i> Extent of temporary prohibition or restriction of use of streets or public right of way
Denbighshire	Hafodty Ddu Road	<p><b>Prohibition/restriction</b> From the points marked J to K on the access and rights of way plans (sheet 1), being approximately 150 metres.</p> <p><b>Purpose of the Prohibition/Restriction</b> Temporary closure of part of the street and the ability to permit, prohibit, or restrict the stopping, parking, waiting, loading or unloading of vehicles and the provision of the direction of or priority of vehicular traffic to facilitate the construction and installation of the authorised development.</p>
Denbighshire	Hafodty Ddu Road	<p><b>Prohibition/restriction</b> From the points marked L1 to L2 on the access and rights of way plans (sheet 2), being approximately 36 metres.</p> <p><b>Purpose of the Prohibition/Restriction</b> Temporary closure of part of the street and the ability to permit, prohibit, or restrict the stopping, parking, waiting, loading or unloading of vehicles and the provision of the direction of or priority of vehicular traffic to facilitate the construction and installation of the authorised development.</p>

<i>(1)</i> Area	<i>(2)</i> Street or public right of way	<i>(3)</i> Extent of temporary prohibition or restriction of use of streets or public right of way
Denbighshire	Footpath 53	<p><b>Prohibition/restriction</b> Management of access to public right of way from the points marked N to O as shown on the access and rights of way plans (sheet 2), being approximately 34 metres.</p> <p><b>Purpose of the Prohibition/restriction</b> Management of all or part of the footpath and restriction of the use of the footpath in order to facilitate the construction and installation of the authorised development.</p>
Denbighshire	Nantglyn to Saron Road (B5435)	<p><b>Prohibition/restriction</b> From the points marked P to Q on the access and rights of way plans (sheet 2), being approximately 98 metres.</p> <p><b>Purpose of the Prohibition/Restriction</b> Temporary closure of part of the street and the ability to permit, prohibit, or restrict the stopping, parking, waiting, loading or unloading of vehicles and the provision of the direction of or priority of vehicular traffic to facilitate the construction and installation of the authorised development.</p>



(1) Area	(2) Street or public right of way	(3) Extent of temporary prohibition or restriction of use of streets or public right of way
Denbighshire	Footpath 23	<p><b>Prohibition/restriction</b> Temporary closure from the points marked R to S as shown on the access and rights of way plans (sheet 3), being approximately 195 metres.</p> <p><b>Purpose of the Prohibition/restriction</b> Temporary closure of all or part of the footpath and restriction of the use of the footpath in order to facilitate the construction and installation of the authorised development.</p>
Denbighshire	Bwlch Road	<p><b>Prohibition/restriction</b> From the points marked T1 to T2 on the access and rights of way plans (sheet 3), being approximately 104 metres.</p> <p><b>Purpose of the Prohibition/Restriction</b> Temporary closure of part of the street and the ability to permit, prohibit, or restrict the stopping, parking, waiting, loading or unloading of vehicles and the provision of the direction of or priority of vehicular traffic to facilitate the construction and installation of the authorised development.</p>

<i>(1)</i> Area	<i>(2)</i> Street or public right of way	<i>(3)</i> Extent of temporary prohibition or restriction of use of streets or public right of way
Denbighshire	Bwlch Road	<p><b>Prohibition/restriction</b> From the points marked T2 to U1 on the access and rights of way plans (sheet 3), being approximately 76 metres.</p> <p><b>Purpose of the Prohibition/Restriction</b> Temporary closure of part of the street and the ability to permit, prohibit, or restrict the stopping, parking, waiting, loading or unloading of vehicles and the provision of the direction of or priority of vehicular traffic to facilitate the construction and installation of the authorised development.</p>
Denbighshire	Bwlch Road	<p><b>Prohibition/restriction</b> From the points marked U1 to U2 on the access and rights of way plans (sheet 3), being approximately 10 metres.</p> <p><b>Purpose of the Prohibition/Restriction</b> Temporary closure of part of the street and the ability to permit, prohibit, or restrict the stopping, parking, waiting, loading or unloading of vehicles and the provision of the direction of or priority of vehicular traffic to facilitate the construction and installation of the authorised development.</p>

(1) Area	(2) Street or public right of way	(3) Extent of temporary prohibition or restriction of use of streets or public right of way
Denbighshire	Footpath 22	<p><b>Prohibition/restriction</b> Temporary closure from the points marked V to W as shown on the access and rights of way plans (sheet 3), being approximately 58 metres.</p> <p><b>Purpose of the Prohibition/restriction</b> Temporary closure of all or part of the footpath and restriction of the use of the footpath in order to facilitate the construction and installation of the authorised development.</p>
Denbighshire	Prion Road	<p><b>Prohibition/restriction</b> From the points marked X1 to X2 on the access and rights of way plans (sheet 3), being approximately 35 metres.</p> <p><b>Purpose of the Prohibition/Restriction</b> Temporary closure of part of the street and the ability to permit, prohibit, or restrict the stopping, parking, waiting, loading or unloading of vehicles and the provision of the direction of or priority of vehicular traffic to facilitate the construction and installation of the authorised development.</p>

(1) Area	(2) Street or public right of way	(3) Extent of temporary prohibition or restriction of use of streets or public right of way
Denbighshire	Footpath 21	<p><b>Prohibition/restriction</b> Management of access to public right of way from the points marked Z to AA as shown on the access and rights of way plans (sheet 4), being approximately 79 metres.</p> <p><b>Purpose of the Prohibition/restriction</b> Management of all or part of the footpath and restriction of the use of the footpath in order to facilitate the construction and installation of the authorised development.</p>
Denbighshire	Denbigh to Cerrigydrudion Road (B4501)	<p><b>Prohibition/restriction</b> From the points marked AB1 to AB2 on the access and rights of way plans (sheet 4), being approximately 82 metres.</p> <p><b>Purpose of the Prohibition/Restriction</b> Temporary closure of part of the street and the ability to permit, prohibit, or restrict the stopping, parking, waiting, loading or unloading of vehicles and the provision of the direction of or priority of vehicular traffic to facilitate the construction and installation of the authorised development.</p>

<i>(1)</i> Area	<i>(2)</i> Street or public right of way	<i>(3)</i> Extent of temporary prohibition or restriction of use of streets or public right of way
Denbighshire	Denbigh to Cerrigydrudion Road (B4501)	<p><b>Prohibition/restriction</b> From the points marked AB2 to AC on the access and rights of way plans (sheet 4), being approximately 18 metres.</p> <p><b>Purpose of the Prohibition/Restriction</b> Temporary closure of part of the street and the ability to permit, prohibit, or restrict the stopping, parking, waiting, loading or unloading of vehicles and the provision of the direction of or priority of vehicular traffic to facilitate the construction and installation of the authorised development.</p>
Denbighshire	Denbigh to Cerrigydrudion Road (B4501)	<p><b>Prohibition/restriction</b> From the points marked AD1 to AD2 on the access and rights of way plans (sheet 4), being approximately 35 metres.</p> <p><b>Purpose of the Prohibition/Restriction</b> Temporary closure of part of the street and the ability to permit, prohibit, or restrict the stopping, parking, waiting, loading or unloading of vehicles and the provision of the direction of or priority of vehicular traffic to facilitate the construction and installation of the authorised development.</p>

<i>(1)</i> Area	<i>(2)</i> Street or public right of way	<i>(3)</i> Extent of temporary prohibition or restriction of use of streets or public right of way
Denbighshire	Footpath 26	<p><b>Prohibition/restriction</b> Management of access to public right of way from the points marked AF to AG as shown on the access and rights of way plans (sheet 4), being approximately 118 metres.</p> <p><b>Purpose of the Prohibition/restriction</b> Management of all or part of the footpath and restriction of the use of the footpath in order to facilitate the construction and installation of the authorised development.</p>
Denbighshire	Denbigh to Nantglyn Road	<p><b>Prohibition/restriction</b> From the points marked AH1 to AH2 on the access and rights of way plans (sheet 5), being approximately 25 metres.</p> <p><b>Purpose of the Prohibition/Restriction</b> Temporary closure of part of the street and the ability to permit, prohibit, or restrict the stopping, parking, waiting, loading or unloading of vehicles and the provision of the direction of or priority of vehicular traffic to facilitate the construction and installation of the authorised development.</p>

<i>(1)</i> Area	<i>(2)</i> Street or public right of way	<i>(3)</i> Extent of temporary prohibition or restriction of use of streets or public right of way
Denbighshire	Denbigh to Nantglyn Road	<p><b>Prohibition/restriction</b> From the points marked AJ to AK on the access and rights of way plans (sheet 5), being approximately 97 metres.</p> <p><b>Purpose of the Prohibition/Restriction</b> Temporary closure of part of the street and the ability to permit, prohibit, or restrict the stopping, parking, waiting, loading or unloading of vehicles and the provision of the direction of or priority of vehicular traffic to facilitate the construction and installation of the authorised development.</p>
Denbighshire	Footpath 54	<p><b>Prohibition/restriction</b> Temporary closure from the points marked AN to AM as shown on the access and rights of way plans (sheet 5), being approximately 45 metres.</p> <p><b>Purpose of the Prohibition/restriction</b> Temporary closure of all or part of the footpath and restriction of the use of the footpath in order to facilitate the construction and installation of the authorised development.</p>

<i>(1)</i> Area	<i>(2)</i> Street or public right of way	<i>(3)</i> Extent of temporary prohibition or restriction of use of streets or public right of way
Conwy	Llansannan Footpath 80	<p><b>Prohibition/restriction</b> Temporary closure from the points marked AL to AN as shown on the access and rights of way plans (sheet 5), being approximately 43 metres.</p> <p><b>Purpose of the Prohibition/restriction</b> Temporary closure of all or part of the footpath and restriction of the use of the footpath in order to facilitate the construction and installation of the authorised development.</p>
Conwy	Ffordd Gwaenynog (Bodeiliog Road)	<p><b>Prohibition/restriction</b> From the points marked AO to AP on the access and rights of way plans (sheet 6), being approximately 102 metres.</p> <p><b>Purpose of the Prohibition/Restriction</b> Temporary closure of part of the street and the ability to permit, prohibit, or restrict the stopping, parking, waiting, loading or unloading of vehicles and the provision of the direction of or priority of vehicular traffic to facilitate the construction and installation of the authorised development.</p>



(1) Area	(2) Street or public right of way	(3) Extent of temporary prohibition or restriction of use of streets or public right of way
Conwy	Llansannan Footpath 79	<p><b>Prohibition/restriction</b> Management of access to public right of way from the points marked AS to AT as shown on the access and rights of way plans (sheet 6), being approximately 37 metres.</p> <p><b>Purpose of the Prohibition/restriction</b> Management of all or part of the footpath and restriction of the use of the footpath in order to facilitate the construction and installation of the authorised development.</p>
Conwy	Lon Llewelyn (A543)	<p><b>Prohibition/restriction</b> From the points marked AU1 to AU2 on the access and rights of way plans (sheet 6), being approximately 32 metres.</p> <p><b>Purpose of the Prohibition/Restriction</b> Temporary closure of part of the street and the ability to permit, prohibit, or restrict the stopping, parking, waiting, loading or unloading of vehicles and the provision of the direction of or priority of vehicular traffic to facilitate the construction and installation of the authorised development.</p>

(1) Area	(2) Street or public right of way	(3) Extent of temporary prohibition or restriction of use of streets or public right of way
Conwy	Lon Llewelyn (A543)	<p><b>Prohibition/restriction</b> From the points marked AU2 to AV on the access and rights of way plans (sheet 6), being approximately 78 metres.</p> <p><b>Purpose of the Prohibition/Restriction</b> Temporary closure of part of the street and the ability to permit, prohibit, or restrict the stopping, parking, waiting, loading or unloading of vehicles and the provision of the direction of or priority of vehicular traffic to facilitate the construction and installation of the authorised development.</p>
Denbighshire	Lon Llewelyn (A543)	<p><b>Prohibition/restriction</b> From the points marked AV to AW on the access and rights of way plans (sheet 6), being approximately 74 metres.</p> <p><b>Purpose of the Prohibition/Restriction</b> Temporary closure of part of the street and the ability to permit, prohibit, or restrict the stopping, parking, waiting, loading or unloading of vehicles and the provision of the direction of or priority of vehicular traffic to facilitate the construction and installation of the authorised development.</p>

(1) Area	(2) Street or public right of way	(3) Extent of temporary prohibition or restriction of use of streets or public right of way
Denbighshire	Lon Llewelyn (A543)	<p><b>Prohibition/restriction</b> From the points marked AX1 to AX2 on the access and rights of way plans (sheet 6), being approximately 33 metres.</p> <p><b>Purpose of the Prohibition/Restriction</b> Temporary closure of part of the street and the ability to permit, prohibit, or restrict the stopping, parking, waiting, loading or unloading of vehicles and the provision of the direction of or priority of vehicular traffic to facilitate the construction and installation of the authorised development.</p>
Denbighshire	Lon Llewelyn (A543)	<p><b>Prohibition/restriction</b> From the points marked AZ1 to AZ2 on the access and rights of way plans (sheet 6), being approximately 17 metres.</p> <p><b>Purpose of the Prohibition/Restriction</b> Temporary closure of part of the street and the ability to permit, prohibit, or restrict the stopping, parking, waiting, loading or unloading of vehicles and the provision of the direction of or priority of vehicular traffic to facilitate the construction and installation of the authorised development.</p>

<i>(1)</i> Area	<i>(2)</i> Street or public right of way	<i>(3)</i> Extent of temporary prohibition or restriction of use of streets or public right of way
Denbighshire	Lon Llywelyn	<p><b>Prohibition/restriction</b> From the points marked AQ1 to AQ2 on the access and rights of way plans (sheet 7), being approximately 28 metres.</p> <p><b>Purpose of the Prohibition/Restriction</b> Temporary closure of part of the street and the ability to permit, prohibit, or restrict the stopping, parking, waiting, loading or unloading of vehicles and the provision of the direction of or priority of vehicular traffic to facilitate the construction and installation of the authorised development.</p>
Denbighshire	Footpath 65	<p><b>Prohibition/restriction</b> Management of access to public right of way from the points marked BF to BG as shown on the access and rights of way plans (sheet 8), being approximately 63 metres.</p> <p><b>Purpose of the Prohibition/restriction</b> Management of all or part of the footpath and restriction of the use of the footpath in order to facilitate the construction and installation of the authorised development.</p>

<i>(1)</i> Area	<i>(2)</i> Street or public right of way	<i>(3)</i> Extent of temporary prohibition or restriction of use of streets or public right of way
Conwy	Henllan to Groes Road (B5428)	<p><b>Prohibition/restriction</b> From the points marked BH to BI2 on the access and rights of way plans (sheet 8), being approximately 69 metres.</p> <p><b>Purpose of the Prohibition/Restriction</b> Temporary closure of part of the street and the ability to permit, prohibit, or restrict the stopping, parking, waiting, loading or unloading of vehicles and the provision of the direction of or priority of vehicular traffic to facilitate the construction and installation of the authorised development.</p>
Conwy	Henllan to Groes Road (B5428)	<p><b>Prohibition/restriction</b> From the points marked BI2 to BI1 on the access and rights of way plans (sheet 8), being approximately 25 metres.</p> <p><b>Purpose of the Prohibition/Restriction</b> Temporary closure of part of the street and the ability to permit, prohibit, or restrict the stopping, parking, waiting, loading or unloading of vehicles and the provision of the direction of or priority of vehicular traffic to facilitate the construction and installation of the authorised development.</p>

(1) Area	(2) Street or public right of way	(3) Extent of temporary prohibition or restriction of use of streets or public right of way
Conwy	Eriviat Bach Road	<p><b>Prohibition/restriction</b> From the points marked BJ to BK2 on the access and rights of way plans (sheet 8), being approximately 41 metres.</p> <p><b>Purpose of the Prohibition/Restriction</b> Temporary closure of part of the street and the ability to permit, prohibit, or restrict the stopping, parking, waiting, loading or unloading of vehicles and the provision of the direction of or priority of vehicular traffic to facilitate the construction and installation of the authorised development.</p>
Conwy	Eriviat Bach Road	<p><b>Prohibition/restriction</b> From the points marked BK2 to BK1 on the access and rights of way plans (sheet 8), being approximately 86 metres.</p> <p><b>Purpose of the Prohibition/Restriction</b> Temporary closure of part of the street and the ability to permit, prohibit, or restrict the stopping, parking, waiting, loading or unloading of vehicles and the provision of the direction of or priority of vehicular traffic to facilitate the construction and installation of the authorised development.</p>

(1) Area	(2) Street or public right of way	(3) Extent of temporary prohibition or restriction of use of streets or public right of way
Conwy	Llansannan Footpath 30	<p><b>Prohibition/restriction</b> Management of access to public right of way from the points marked BL to BM as shown on the access and rights of way plans (sheet 8), being approximately 86 metres.</p> <p><b>Purpose of the Prohibition/restriction</b> Management of all or part of the footpath and restriction of the use of the footpath in order to facilitate the construction and installation of the authorised development.</p>
Conwy	Henllan to Llansannan Road (B5382)	<p><b>Prohibition/restriction</b> From the points marked BN1 to BN2 on the access and rights of way plans (sheet 9), being approximately 23 metres.</p> <p><b>Purpose of the Prohibition/Restriction</b> Temporary closure of part of the street and the ability to permit, prohibit, or restrict the stopping, parking, waiting, loading or unloading of vehicles and the provision of the direction of or priority of vehicular traffic to facilitate the construction and installation of the authorised development.</p>

<i>(1)</i> Area	<i>(2)</i> Street or public right of way	<i>(3)</i> Extent of temporary prohibition or restriction of use of streets or public right of way
Conwy	Henllan to Llansannan Road (B5382)	<p><b>Prohibition/restriction</b> From the points marked BN2 to BO on the access and rights of way plans (sheet 9), being approximately 87 metres.</p> <p><b>Purpose of the Prohibition/Restriction</b> Temporary closure of part of the street and the ability to permit, prohibit, or restrict the stopping, parking, waiting, loading or unloading of vehicles and the provision of the direction of or priority of vehicular traffic to facilitate the construction and installation of the authorised development.</p>
Conwy	Llansannan Footpath 49	<p><b>Prohibition/restriction</b> Temporary closure from the points marked BP to BQ as shown on the access and rights of way plans (sheet 9), being approximately 68 metres.</p> <p><b>Purpose of the Prohibition/restriction</b> Temporary closure of all or part of the footpath and restriction of the use of the footpath in order to facilitate the construction and installation of the authorised development.</p>



(1) Area	(2) Street or public right of way	(3) Extent of temporary prohibition or restriction of use of streets or public right of way
Conwy	Henllan to Cefn Berain Road	<p><b>Prohibition/restriction</b> From the points marked BR1 to BR2 on the access and rights of way plans (sheet 10), being approximately 39 metres.</p> <p><b>Purpose of the Prohibition/Restriction</b> Temporary closure of part of the street and the ability to permit, prohibit, or restrict the stopping, parking, waiting, loading or unloading of vehicles and the provision of the direction of or priority of vehicular traffic to facilitate the construction and installation of the authorised development.</p>
Conwy	Henllan to Cefn Berain Road	<p><b>Prohibition/restriction</b> From the points marked BT2 to BU on the access and rights of way plans (sheet 10), being approximately 83 metres.</p> <p><b>Purpose of the Prohibition/Restriction</b> Temporary closure of part of the street and the ability to permit, prohibit, or restrict the stopping, parking, waiting, loading or unloading of vehicles and the provision of the direction of or priority of vehicular traffic to facilitate the construction and installation of the authorised development.</p>

(1) Area	(2) Street or public right of way	(3) Extent of temporary prohibition or restriction of use of streets or public right of way
Conwy	Henllan to Cefn Berain Road	<p><b>Prohibition/restriction</b> From the points marked BT1 to BT2 on the access and rights of way plans (sheet 10), being approximately 35 metres.</p> <p><b>Purpose of the Prohibition/Restriction</b> Temporary closure of part of the street and the ability to permit, prohibit, or restrict the stopping, parking, waiting, loading or unloading of vehicles and the provision of the direction of or priority of vehicular traffic to facilitate the construction and installation of the authorised development.</p>
Conwy	Cefn Berain to Bontnewydd Road	<p><b>Prohibition/restriction</b> From the points marked BV to BW2 on the access and rights of way plans (sheet 10), being approximately 95 metres.</p> <p><b>Purpose of the Prohibition/Restriction</b> Temporary closure of part of the street and the ability to permit, prohibit, or restrict the stopping, parking, waiting, loading or unloading of vehicles and the provision of the direction of or priority of vehicular traffic to facilitate the construction and installation of the authorised development.</p>

(1) Area	(2) Street or public right of way	(3) Extent of temporary prohibition or restriction of use of streets or public right of way
Conwy	Cefn Berain to Bontnewydd Road	<p><b>Prohibition/restriction</b> From the points marked BW2 to BW1 on the access and rights of way plans (sheet 10), being approximately 25 metres.</p> <p><b>Purpose of the Prohibition/Restriction</b> Temporary closure of part of the street and the ability to permit, prohibit, or restrict the stopping, parking, waiting, loading or unloading of vehicles and the provision of the direction of or priority of vehicular traffic to facilitate the construction and installation of the authorised development.</p>
Conwy	Henllan to Llanefydd Road	<p><b>Prohibition/restriction</b> From the points marked BY1 to BY2 on the access and rights of way plans (sheet 10), being approximately 35 metres.</p> <p><b>Purpose of the Prohibition/Restriction</b> Temporary closure of part of the street and the ability to permit, prohibit, or restrict the stopping, parking, waiting, loading or unloading of vehicles and the provision of the direction of or priority of vehicular traffic to facilitate the construction and installation of the authorised development.</p>

(1) Area	(2) Street or public right of way	(3) Extent of temporary prohibition or restriction of use of streets or public right of way
Conwy	Henllan to Llanefydd Road	<p><b>Prohibition/restriction</b> From the points marked CD1 to CD2 on the access and rights of way plans (sheet 10), being approximately 103 metres.</p> <p><b>Purpose of the Prohibition/Restriction</b> Temporary closure of part of the street and the ability to permit, prohibit, or restrict the stopping, parking, waiting, loading or unloading of vehicles and the provision of the direction of or priority of vehicular traffic to facilitate the construction and installation of the authorised development.</p>
Conwy	Henllan to Llanefydd Road	<p><b>Prohibition/restriction</b> From the points marked CB2 to CE1 on the access and rights of way plans (sheet 11), being approximately 61 metres.</p> <p><b>Purpose of the Prohibition/Restriction</b> Temporary closure of part of the street and the ability to permit, prohibit, or restrict the stopping, parking, waiting, loading or unloading of vehicles and the provision of the direction of or priority of vehicular traffic to facilitate the construction and installation of the authorised development.</p>

(1) Area	(2) Street or public right of way	(3) Extent of temporary prohibition or restriction of use of streets or public right of way
Conwy	Henllan to Llanefydd Road	<p><b>Prohibition/restriction</b> From the points marked CB1 to CA1 on the access and rights of way plans (sheet 11), being approximately 73 metres.</p> <p><b>Purpose of the Prohibition/Restriction</b> Temporary closure of part of the street and the ability to permit, prohibit, or restrict the stopping, parking, waiting, loading or unloading of vehicles and the provision of the direction of or priority of vehicular traffic to facilitate the construction and installation of the authorised development.</p>
Conwy	Henllan to Llanefydd Road	<p><b>Prohibition/restriction</b> From the points marked CA1 to CA2 on the access and rights of way plans (sheet 11), being approximately 85 metres.</p> <p><b>Purpose of the Prohibition/Restriction</b> Temporary closure of part of the street and the ability to permit, prohibit, or restrict the stopping, parking, waiting, loading or unloading of vehicles and the provision of the direction of or priority of vehicular traffic to facilitate the construction and installation of the authorised development.</p>

<i>(1)</i> Area	<i>(2)</i> Street or public right of way	<i>(3)</i> Extent of temporary prohibition or restriction of use of streets or public right of way
Conwy	Henllan to Llanefydd Road	<p><b>Prohibition/restriction</b> From the points marked CB1 to CC on the access and rights of way plans (sheet 11), being approximately 17 metres.</p> <p><b>Purpose of the Prohibition/Restriction</b> Temporary closure of part of the street and the ability to permit, prohibit, or restrict the stopping, parking, waiting, loading or unloading of vehicles and the provision of the direction of or priority of vehicular traffic to facilitate the construction and installation of the authorised development.</p>
Conwy	Llansannan Footpath 34	<p><b>Prohibition/restriction</b> Management of access to public right of way from the points marked CB1 to CE2 as shown on the access and rights of way plans (sheet 11), being approximately 95 metres.</p> <p><b>Purpose of the Prohibition/restriction</b> Management of all or part of the footpath and restriction of the use of the footpath in order to facilitate the construction and installation of the authorised development.</p>

<i>(1)</i> Area	<i>(2)</i> Street or public right of way	<i>(3)</i> Extent of temporary prohibition or restriction of use of streets or public right of way
Conwy	Bontnewydd Road	<p><b>Prohibition/restriction</b> From the points marked CF to CG on the access and rights of way plans (sheet 11), being approximately 58 metres.</p> <p><b>Purpose of the Prohibition/restriction</b> Temporary closure of part of the street and the ability to permit, prohibit, or restrict the stopping, parking, waiting, loading or unloading of vehicles and the provision of the direction of or priority of vehicular traffic to facilitate the construction and installation of the authorised development.</p>
Conwy	Bontnewydd Road	<p><b>Prohibition/restriction</b> From the points marked CH to CI2 on the access and rights of way plans (sheet 11), being approximately 38 metres.</p> <p><b>Purpose of the Prohibition/Restriction</b> Temporary closure of part of the street and the ability to permit, prohibit, or restrict the stopping, parking, waiting, loading or unloading of vehicles and the provision of the direction of or priority of vehicular traffic to facilitate the construction and installation of the authorised development.</p>

(1) Area	(2) Street or public right of way	(3) Extent of temporary prohibition or restriction of use of streets or public right of way
Conwy	Bontnewydd Road	<p><b>Prohibition/restriction</b> From the points marked CI2 to CI1 on the access and rights of way plans (sheet 11), being approximately 35 metres.</p> <p><b>Purpose of the Prohibition/Restriction</b> Temporary closure of part of the street and the ability to permit, prohibit, or restrict the stopping, parking, waiting, loading or unloading of vehicles and the provision of the direction of or priority of vehicular traffic to facilitate the construction and installation of the authorised development.</p>
Conwy	Bontnewydd Road	<p><b>Prohibition/restriction</b> From the points marked CJ1 to CJ2 on the access and rights of way plans (sheet 11), being approximately 33 metres.</p> <p><b>Purpose of the Prohibition/Restriction</b> Temporary closure of part of the street and the ability to permit, prohibit, or restrict the stopping, parking, waiting, loading or unloading of vehicles and the provision of the direction of or priority of vehicular traffic to facilitate the construction and installation of the authorised development.</p>



<i>(1)</i> Area	<i>(2)</i> Street or public right of way	<i>(3)</i> Extent of temporary prohibition or restriction of use of streets or public right of way
Conwy	Llansannan Footpath 22	<p><b>Prohibition/restriction</b> Management of access to public right of way from the points marked CL to CM as shown on the access and rights of way plans (sheet 11), being approximately 100 metres.</p> <p><b>Purpose of the Prohibition/restriction</b> Management of all or part of the footpath and restriction of the use of the footpath in order to facilitate the construction and installation of the authorised development.</p>
Conwy	Henllan to Llanefydd Road	<p><b>Prohibition/restriction</b> From the points marked CN1 to CN2 on the access and rights of way plans (sheet 12), being approximately 34 metres.</p> <p><b>Purpose of the Prohibition/Restriction</b> Temporary closure of part of the street and the ability to permit, prohibit, or restrict the stopping, parking, waiting, loading or unloading of vehicles and the provision of the direction of or priority of vehicular traffic to facilitate the construction and installation of the authorised development.</p>

(1) Area	(2) Street or public right of way	(3) Extent of temporary prohibition or restriction of use of streets or public right of way
Conwy	Llansannan Footpath 22	<p><b>Prohibition/restriction</b> Management of access to public right of way from the points marked CP to CO as shown on the access and rights of way plans (sheet 12), being approximately 9 metres.</p> <p><b>Purpose of the Prohibition/restriction</b> Management of all or part of the footpath and restriction of the use of the footpath in order to facilitate the construction and installation of the authorised development.</p>
Denbighshire	Groesffordd Marli to Cefn Meiriadog Road	<p><b>Prohibition/restriction</b> From the points marked CR to CS on the access and rights of way plans (sheet 13), being approximately 100 metres.</p> <p><b>Purpose of the Prohibition/Restriction</b> Temporary closure of part of the street and the ability to permit, prohibit, or restrict the stopping, parking, waiting, loading or unloading of vehicles and the provision of the direction of or priority of vehicular traffic to facilitate the construction and installation of the authorised development.</p>

<i>(1)</i> Area	<i>(2)</i> Street or public right of way	<i>(3)</i> Extent of temporary prohibition or restriction of use of streets or public right of way
Denbighshire	Groesffordd Marli to Glascoed Road	<p><b>Prohibition/restriction</b> From the points marked CT1 to CT2 on the access and rights of way plans (sheet 13), being approximately 28 metres.</p> <p><b>Purpose of the Prohibition/Restriction</b> Temporary closure of part of the street and the ability to permit, prohibit, or restrict the stopping, parking, waiting, loading or unloading of vehicles and the provision of the direction of or priority of vehicular traffic to facilitate the construction and installation of the authorised development.</p>

## 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 the imposition of a restriction as they apply as respects compensation on the compulsory purchase of land and interests in land.

2.—(1) Without prejudice to the generality of paragraph 1, the Land Compensation Act 1973(a) has effect subject to the modifications set out in sub-paragraphs (2) and (3).

(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 4—

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

(3) In section 58(1) (determination of material detriment where part of house etc. proposed for compulsory acquisition), as it applies to determinations under section 8 of the 1965 Act as substituted by paragraph 5—

- (a) for the word “part” in paragraphs (a) and (b) there are substituted the words “a right over or restrictive covenant affecting land consisting”;
- (b) for the word “severance” there are substituted the words “right or restrictive covenant over or affecting the whole of the house, building or manufactory or of the house and the park or garden”;
- (c) for the words “part proposed” there are substituted the words “right or restrictive covenant proposed”; and
- (d) for the words “part is” there are substituted the words “right or restrictive covenant is”.

### *Application of the 1965 Act*

3.—(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 of land, so that, in appropriate contexts, references in that Act to land are 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;
- (b) the restrictive covenant imposed or to be imposed;
- (c) the land over which the right is or is to be exercisable; or
- (d) the land over which the restrictive covenant is or is to be applied.

(2) Without prejudice to the generality 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 the imposition of a restriction with the modifications specified in the following provisions of this Schedule.

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(a) 1973 (c.26).

4. For section 7 of the 1965 Act (measure of compensation) there is substituted the following section—

“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 restrictive 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.”

5. For section 8 of the 1965 Act (provisions as to divided land) there is substituted the following section—

“8.—(1) Where in consequence of the service on a person under section 5 of this Act of a notice to treat in respect of a right over land consisting of a house, building or manufactory or of a park or garden belonging to a house (“the relevant land”)—

- (a) a question of disputed compensation in respect of the purchase of the right or the imposition of the restrictive covenant would apart from this section fall to be determined by the Upper Tribunal (“the tribunal”); and
- (b) before the tribunal has determined that question the tribunal is satisfied that the person has an interest in the whole of the relevant land and is able and willing to sell that land and—
  - (i) where that land consists of a house, building or manufactory, that the right cannot be purchased or the restrictive covenant imposed without material detriment to that land; or
  - (ii) where the land consists of such a park or garden, that the right cannot be purchased or the restrictive covenant imposed without seriously affecting the amenity or convenience of the house to which that land belongs,

the North Wales Wind Farms Connection Order 201[X] (“the Order”) ceases, in relation to that person, to authorise the purchase of the right and be deemed to authorise the purchase of that person’s interest in the whole of the relevant land including, where the land consists of such a park or garden, the house to which it belongs, and the notice is deemed to have been served in respect of that interest on such date as the tribunal directs.

(2) Any question as to the extent of the land in which the Order is deemed to authorise the purchase of an interest by virtue of subsection (1) of this section must be determined by the tribunal.

(3) Where in consequence of a determination of the tribunal that it is satisfied as mentioned in subsection (1) of this section the Order is deemed by virtue of that subsection to authorise the purchase of an interest in land, the acquiring authority may, at any time within the period of 6 weeks beginning with the date of the determination, withdraw the notice to treat in consequence of which the determination was made; but nothing in this subsection prejudices any other power of the authority to withdraw the notice.”

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 as 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 created and acquired or the restrictive covenant which is to be imposed is vested absolutely in the acquiring authority.

**7.** Section 11 of the 1965 Act (powers of entry) is modified as to secure that, as from the date on which the acquiring authority has served notice to treat in respect of any right or restrictive covenant 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 that date of service of the notice); and sections 12 (penalty for unauthorised entry) and 13 (entry on warrant in the event of obstruction) of the 1965 Act are modified correspondingly.

**8.** Section 20 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, 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 (protection of acquiring authority's possession where by inadvertence an estate, right or interest has not been got in) 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 created and acquired and to continue to be entitled to the benefit of the restrictive covenant imposed, subject to compliance with that section as respects compensation.

SCHEDULE 8

Article 27

LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

**Table 9**

<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Number of land shown on land plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Relevant part of the authorised development</i>
Woodland and track, forming part of Clocaenog Forest situated to the south west of Hafodty Ddu	1A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A
Woodland and track, forming part of Clocaenog Forest situated to the south west of Hafodty Ddu	1B	Temporary use to fell or lop trees in order to facilitate construction of the authorised development	Part of numbered work 2A
Agricultural land and fencing situated to the west of Hafodty Ddu	2A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A
Public adopted highway known as the Hafodty Ty Ddu Road (un-named) together with grass embankment, drain and fencing situated to the west of Hafodty Ddu	3A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A
Public adopted highway known as the Hafodty Ty Ddu Road (un-named) together with fencing and grass verge situated to the west of Hafodty Ddu	4A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A
Fencing and hard standing situated to the west of Hafodty Ddu	5A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A

<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Number of land shown on land plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Relevant part of the authorised development</i>
Agricultural land, hedgerows, fencing, gate and track situated to the west of Hafodty Ddu	6A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A
Agricultural land and hedgerow situated to the north of Hafodty Ddu	7A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A
Agricultural land, hedgerows, fencing and trees situated to the north of Hafodty Ddu	8A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A
Agricultural land, hedgerow, trees, gate and telecommunications lines over situated to the north of Hafodty Ddu	8B	Temporary use to provide access to facilitate construction of the authorised development	Part of numbered work 2A
Agricultural land, hedgerows, fencing, trees and part of Public Footpath 51 situated to the north of Hafodty Ddu	9A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A
Agricultural land, hedgerow, gate, fencing, trees, telecommunications lines over and pole situated to the north of Hafodty Ddu	9B	Temporary use to provide access to facilitate construction of the authorised development	Part of numbered work 2A
Agricultural land, hedgerows, fencing and part of Public Footpath 52 situated to the south west of Bryn Golau	10A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A



<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Number of land shown on land plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Relevant part of the authorised development</i>
Public adopted highway known as the Hafodty Ty Ddu Road (un-named) together with hedgerows, fencing, telecommunications lines over and poles situated to the south west of Bryn Golau	11A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A
Agricultural land, hedgerow, telecommunications lines over and poles situated to the south west of Bryn Golau	12A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A
Agricultural land, hedgerows, trees, part of Public Footpath 53, electricity distribution lines over and pole situated to the east of Bryn Golau	13A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A
Public adopted highway known as the Nantglyn to Saron Road (B5435) together with hedgerows and grass verge situated to the west of Pentre Saron	14A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A
Agricultural land, hedgerows, fencing, trees, electricity distribution lines over, telecommunications lines over and pole situated to the north west of Pentre Saron	15A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A

<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Number of land shown on land plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Relevant part of the authorised development</i>
Agricultural land, fencing, hedgerows, trees and electricity distribution lines over situated to the north of Pentre Saron	16A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A
Agricultural land and hedgerow to the north of Pentre Saron	16B	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A and 3A
Agricultural land, hedgerow, fencing and trees situated to the south of Tan Yr Allt	17A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A
Agricultural land and hedgerow situated to the south of Tan Yr Allt	17B	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A and 3A
Agricultural land, hedgerow and fencing situated to the south of Tan Yr Allt	18A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A
Agricultural land, hedgerow, wooded area and fencing situated to the south east of Tan Yr Allt	18B	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A and 3A
Agricultural land, fencing, trees and part of Public Footpath 23, hedgerows and woodland situated to the south east of Tan Yr Allt	19A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A

<i>(1) Location</i>	<i>(2) Number of land shown on land plans</i>	<i>(3) Purpose for which temporary possession may be taken</i>	<i>(4) Relevant part of the authorised development</i>
Agricultural land, hedgerow, trees, gate and part of Public Footpath 23 situated to the south east of Tan Yr Allt	19B	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A and 3A
Agricultural land, hedgerows, trees and electricity distribution lines over situated to the south east of Tan Yr Allt	20A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A
Agricultural land, hedgerow, gate, trees, part of Public Footpath 23 and electricity distribution lines over situated to the north east of Tan Yr Allt	20B	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A and 3A
Public adopted highway known as the Bwlch Road (unnamed) together with hedgerows, embankment, electricity distribution lines over, gates and sign for public right of way situated to the east of Tan Yr Allt	21A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A
Agricultural land, hedgerow, trees and electricity distribution lines over situated to the north east of Tan Yr Allt	22A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A

<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Number of land shown on land plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Relevant part of the authorised development</i>
Agricultural land, hedgerow, gates, woodland and electricity distribution lines over situated to the north east of Tan Yr Allt	22B	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A and 3A
Agricultural land, fencing, trees and part of Public Footpath 22 situated to the south west of Tan Y Garth	23A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A
Agricultural land, hedgerows, fencing, trees, spring, drain and pond situated to the west of Tan Y Garth	24A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A
Agricultural land, hedgerow, trees, spring and drain situated to the west of Tan Y Garth	24B	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A and 3A
Agricultural land situated to the west of Tan Y Garth	25A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A
Agricultural land, hedgerows, fencing and trees situated to the west of Tan Y Garth	26A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A
Agricultural land, hedgerow, trees, stream and part of Public Footpath 21 situated to the south west of Hendy College	27A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A
Agricultural land and hedgerow situated to the south west of Hendy College	28A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A

<i>(1) Location</i>	<i>(2) Number of land shown on land plans</i>	<i>(3) Purpose for which temporary possession may be taken</i>	<i>(4) Relevant part of the authorised development</i>
Agricultural land, hedgerows, electricity distribution lines over, telecommunications lines over and pole situated to the south of the B4501 and to the west of Hendy College	29A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A
Agricultural land, hedgerow, fencing, telecommunications lines over and pole situated to the south of the B4501 and to the west of Hendy College	29B	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A and 3A
Public adopted highway known as the Denbigh to Cerrigydrudion Road (B4501) together with hedgerows and telecommunications lines over situated to the west of Hendy College	30A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A
Agricultural land, hedgerows, fencing, stream, trees, part of Public Footpath 26, telecommunications lines over and poles situated to the south of Plas Captain	31A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A

<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Number of land shown on land plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Relevant part of the authorised development</i>
Agricultural land, hedgerows, fencing, stream, trees and part of Public Footpath 26 situated to the south of Plas Captain	31B	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A and 3A
Agricultural land and hedgerow situated to the south of Plas Captain	32A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A
Public adopted highway known as the Denbigh to Nantglyn Road (unnamed) together with hedgerow situated to the south of Pandy Wood	33A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A
Public adopted highway known as the Denbigh to Nantglyn Road (unnamed) together with hedgerow situated to the south of Pandy Wood	34A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A
Agricultural land, fence, hedgerow and woodland known as Pandy Wood situated to the east of River Ystrad	35A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A
Agricultural land, fence and woodland known as Pandy Wood situated to the east of River Ystrad	35B	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A and 3A

<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Number of land shown on land plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Relevant part of the authorised development</i>
Agricultural land, fencing, hedgerow and trees situated to the west of Pandy Wood	37A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A
Agricultural land, hedgerow, woodland and fencing situated to the west of Pandy Wood	37B	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A and 3A
Agricultural land, hedgerow, fencing, gate, woodland and part of Llansannan Public Footpath 80 situated to the west of Pandy Wood	37C	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B and 3B
Agricultural land, fences, hedgerow, trees and part of Llansannan Public Footpath 54 situated to the north east of Pandy and to the north east of River Ystrad	38A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A
Agricultural land, trees, fencing and hedgerows situated to the north west of Pandy and to the north of River Ystrad	39A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B
Agricultural land, trees and fence situated to the north of Pandy and to the north of River Ystrad	39B	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B and 3B

<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Number of land shown on land plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Relevant part of the authorised development</i>
Agricultural land, hedgerows, trees, gate and electricity distribution lines over situated to the south of Bach and to the east of Ffordd Gwaenynog (Bodeiliog Road)	40A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B
Public adopted highway known as Ffordd Gwaenynog (Bodeiliog Road), hedgerows, gates, telecommunications lines over and pole situated to the south of Bach	41A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B
Agricultural land, hedgerows, gate, telecommunications lines over and pole situated to the south west of Bach and to the west of Ffordd Gwaenynog (Bodeiliog Road)	42A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B
Agricultural land, hedgerows, fencing, stream, trees and part of Llansannan Public Footpath 79 situated to the west of Bach	43A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B
Agricultural land, hedgerows, fences, trees and electricity distribution lines over situated to the north west of Bach and to the south of the A543	44A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B



<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Number of land shown on land plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Relevant part of the authorised development</i>
Agricultural land and hedgerow situated to the north west of Bach and to the south of the A543	44B	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B
Agricultural land, hedgerow and tree situated to the north west of Bach and to the south of the A543	44C	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B and 3B
Agricultural land, fencing, trees and hedgerows situated to the west of Goppa Farm and to the south of the A543	45A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A
Agricultural land, hedgerow, fence and tree situated to the north west of Bach and to the south of the A543	45B	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A and 3A
Public adopted highway known as Lon Llewelyn (A543) together with verge, track, hedgerows, gate and county sign	46A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B
Public adopted highway known as Lon Llewelyn (A543) together with hedgerow and fence	47A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A
Public adopted highway known as Lon Llewelyn (A543) together with hedgerow	48A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A

<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Number of land shown on land plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Relevant part of the authorised development</i>
Agricultural land, hedgerow and gates situated to the north of the A543	49A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B
Agricultural land, hedgerows, gate and tree situated to the north of the A543	50A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A
Agricultural land, hedgerow and fencing situated to the north west of the A543 and to the south west of Beacon Hill	51A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A
Agricultural land, hedgerow, fence and gate situated to the north of the A543	51B	Temporary use to provide access to facilitate construction of the authorised development	Part of numbered work 2A
Private track servicing Eriviat Park situated to the north of the A543	52A	Temporary use to provide access to facilitate construction of the authorised development	Part of numbered work 2A
Private track servicing Eriviat Park situated to the north of the A543	52B	Temporary use to provide access to facilitate construction of the authorised development	Part of numbered work 2A
Private track servicing Eriviat Park, gates, hedgerow and fencing situated to the north of the A543	52E	Temporary use to provide access to facilitate construction of the authorised development	Part of numbered work 2B
Agricultural land, hedgerows, fencing and trees situated to the west of Beacon Hill	53A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A

<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Number of land shown on land plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Relevant part of the authorised development</i>
Agricultural land, private access, hedgerow, trees and, fencing and hard surface situated to the north west of Broadleys Farm	53B	Temporary use to facilitate construction of the authorised development	Part of numbered work 4
Agricultural land situated to the north west of Beacon Hill	54A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A
Agricultural land and tree situated to the north west of Beacon Hill	55A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B
Agricultural land, stream, hedgerows and trees situated to the east of Eriviat Park	56A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B
Agricultural land, hedgerow, fence and gate situated to the west of Beacon Hill	56B	Temporary use to provide access to facilitate construction of the authorised development	Part of numbered work 2B
Agricultural land, hedgerow, fence and gate situated to the west of Beacon Hill	56C	Temporary use to provide access to facilitate construction of the authorised development	Part of numbered work 2A
Agricultural land, stream, hedgerows, trees and part of Public Footpath 65 situated to the east of Eriviat Park	57A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A
Agricultural land, hedgerow, fencing and trees situated to the north east of Eriviat Park	57B	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A and 3A

<i>(1) Location</i>	<i>(2) Number of land shown on land plans</i>	<i>(3) Purpose for which temporary possession may be taken</i>	<i>(4) Relevant part of the authorised development</i>
Agricultural land, hedgerows, fencing and trees situated to the north east of Eriviat Park	58A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A
Agricultural land, hedgerows, fencing and trees situated to the north east of Eriviat Park	58B	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A and 3A
Agricultural land, hedgerow and trees situated to the north east of Eriviat Park	59A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B
Agricultural land, hedgerows, fencing and trees situated to the north east of Eriviat Park	59B	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B and 3B
Public adopted highway known as the Henllan to Groes Road (B5428) together with hedgerows, fencing and trees	60A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B
Agricultural land, hedgerows, fencing, trees and stream situated to the south of Eriviat Bach Isa	61A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B
Agricultural land, hedgerows, fencing, culvert under the road and trees situated to the south of Eriviat Bach Isa	61B	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B and 3B

<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Number of land shown on land plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Relevant part of the authorised development</i>
Public adopted highway known as Eriviat Bach Road (un-named) together with hedgerow, trees and culvert under the road situated to the south west of Eriviat Bach Isa	62A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B
Agricultural land, hedgerows, trees, part of Llansannan Public Footpath 30 and electricity distribution lines over situated to the north west of Eriviat Bach Isa	63A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B
Agricultural land, hedgerows, fencing and woodland situated to the west of Eriviat Bach Isa	63B	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B and 3B
Agricultural land, hedgerows and trees situated to the south of Caeau Mawr	65A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B
Agricultural land, hedgerows and woodland situated to the south of Caeau Mawr	65B	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B and 3B
Agricultural land, hedgerows and trees situated to the south of Gwenallt	66A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B
Agricultural land, hedgerows and trees situated to the south of Gwenallt	67A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B

<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Number of land shown on land plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Relevant part of the authorised development</i>
Agricultural land, hedgerows, stream, trees, electricity distribution lines over, telecommunications lines over and pole situated to the south and to the west of Gwenallt	68A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B
Agricultural land and hedgerow situated to the west of Gwenallt	68B	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B and 3B
Public adopted highway known as the Henllan to Llansannan Road (B5382), telecommunications lines over and poles situated to the south of Hafod Dingle	69A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B
Agricultural land, hedgerows, fencing, gate, trees, electricity distribution lines over and pole situated to the east of Hafod	70A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B
Agricultural land, hedgerows, trees, wooded area and fencing situated to the east of Hafod	70B	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B and 3B
Woodland and steep valley side, known as Hafod Dingle situated to the south west of Llechryd	71A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B and 3B

<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Number of land shown on land plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Relevant part of the authorised development</i>
Woodland and steep valley side, known as Hafod Dingle situated to the east of Hafod	73A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B and 3B
Agricultural land, hedgerow, trees, fencing and part of Llanefydd Public Footpath 49 situated to the north of Hafod Dingle	74A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B and 3B
Agricultural land, hedgerows, fencing and part of Llanefydd Public Footpath 49 situated to the north of Hafod Dingle	75A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B and 3B
Agricultural land and hedgerows situated to the north west of Hafod Dingle	76A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B and 3B
Agricultural land, gate, hedgerow, trees and electricity distribution lines over situated to the west of Llechryd Bach	77A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B
Agricultural land, trees, hedgerows and fencing situated to the north west of Hafod Dingle	77B	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B and 3B
Agricultural land and fence situated to the north west of Llechryd Bach	78A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B

<i>(1) Location</i>	<i>(2) Number of land shown on land plans</i>	<i>(3) Purpose for which temporary possession may be taken</i>	<i>(4) Relevant part of the authorised development</i>
Agricultural land, hedgerows and fence situated to the north west of Llechryd Bach	78B	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B and 3B
Public adopted highway known as the Henllan to Cefn Berain Road (un-named) together with hedgerows, telecommunications lines over and poles situated to the north west of Llechryd Bach	79A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B
Agricultural land, hedgerows, fencing, gate, electricity distribution lines over, telecommunications lines over and pole situated to the east of Ty-celyn and to the south west of Berain Farm	80A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B
Agricultural land, hedgerows, fencing and gate situated to the east of Ty-celyn and to the south west of Berain Farm	80B	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B and 3B
Public adopted highway known as the Cefn Berain to Bontnewydd Road (un-named) together with hedgerows, trees and embankment situated to the west of Berain Farm	81A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B



<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Number of land shown on land plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Relevant part of the authorised development</i>
Agricultural land, hedgerows, stream, trees, tracks and electricity distribution lines over, telecommunications lines over and pole situated to the west of Berain Farm	82A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B
Agricultural land, hedgerows, stream, tracks, trees, telecommunications lines over and pole situated to the west of Berain Farm	82B	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B and 3B
Agricultural land, gate and hedgerow situated to the north of Berain Farm	82D	Temporary use to provide access to facilitate construction of the authorised development	Part of numbered work 2B
Public adopted highway known as the Henllan to Llanefydd Road (un-named) and hedgerows situated to the east of Tyddyn Bartley	83A	Temporary use to provide access to facilitate construction of the authorised development	Part of numbered work 2B
Public adopted highway known as the Tyddyn Bartley Road (un-named) situated to the north of Tyddyn Bartley	83B	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B
Agricultural land and hedgerows situated to the east of Tyddyn Bartley	84A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B
Agricultural land and hedgerows situated to the east of Tyddyn Bartley	85A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B

<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Number of land shown on land plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Relevant part of the authorised development</i>
Agricultural land and hedgerow situated to the east of Tyddyn Bartley	85B	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B and 3B
Agricultural land situated to the south of Croen Llwm Mawr	86A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B
Agricultural land, hedgerow and fence situated to the south of Croen Llwm Mawr	86B	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B and 3B
Agricultural land, hedgerow and fence situated to the south of Croen Llwm Mawr	87A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B
Agricultural land, hedgerow and fence situated to the south of Croen Llwm Mawr	87B	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B and 3B
Private road, culvert under the road and part of Llanefydd Public Footpath 34 situated to the south of Croen Llwm Mawr	88A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B
Private road and part of Llanefydd Public Footpath 34 situated to the south of Croen Llwm Mawr	88B	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B
Hedgerow, woodland and stream situated to the south of Croen Llwm Mawr	90A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B and 3B

<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Number of land shown on land plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Relevant part of the authorised development</i>
Agricultural land, wooded area and electricity distribution lines over situated to the west of Croen Llwm Mawr	91A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B
Agricultural land, woodland, electricity distribution lines over and pole situated to the west of Croen Llwm Mawr	91B	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B and 3B
Woodland situated to the west of Croen Llwm Mawr	93A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B and 3B
Woodland situated to the north west of Croen Llwm Mawr	93C	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B and 3B
Agricultural land, hedgerows, gate and track situated to the north west of Croen Llwm Mawr	94A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B
Agricultural land, fence and woodland situated to the north west of Croen Llwm Mawr	94B	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B and 3B
Woodland and stream situated to the south of Bontnewydd Road and to the east of Tal Y Bryn	96A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B and 3B

<i>(1) Location</i>	<i>(2) Number of land shown on land plans</i>	<i>(3) Purpose for which temporary possession may be taken</i>	<i>(4) Relevant part of the authorised development</i>
Public adopted highway known as Bontnewydd Road together with hedgerows situated to the west of Bryniau Bychain	97A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B
Agricultural land, hedgerows, wooded area and stream situated to the north of the Bontnewydd Road and to the west of Bryniau Bychain	98A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B
Agricultural land and hedgerow situated to the north of the Bontnewydd Road and to the west of Bryniau Bychain	98B	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B and 3B
Agricultural land, hedgerows, woodland and tracks situated to the south of the Graig Brook and to the south east of Bodysgaw Isa	99A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B
Agricultural land, hedgerows, trees and tracks situated to the south of the Graig Brook and to the south east of Bodysgaw Isa	99B	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B and 3B

<i>(1) Location</i>	<i>(2) Number of land shown on land plans</i>	<i>(3) Purpose for which temporary possession may be taken</i>	<i>(4) Relevant part of the authorised development</i>
Gravel track forming part of Llanefydd Public Footpath 22 together with agricultural land, part of quarry, electricity distribution lines over and trees situated to the east of Bodysgaw Isa and to the south of the River Elwy	101A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B
Agricultural land, hedgerows, fencing, part of quarry and woodland situated to the east of Bodysgaw Isa and to the south of the River Elwy	101B	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B and 3B
Woodland situated to the east of Bodysgaw Isa and to the south of the River Elwy	102A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B
Woodland situated to the east of Bodysgaw Isa and to the south of the River Elwy	102B	Temporary use to facilitate construction of the authorised development	Part of numbered work 2B and 3B
Agricultural land, trees, hedgerows, electricity distribution lines over, telecommunications lines over and pole situated to the north of the River Elwy and to the west of Coed y Fadir	105A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A

<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Number of land shown on land plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Relevant part of the authorised development</i>
Agricultural land, hedgerow, fencing and woodland situated to the north of the River Elwy and to the west of Coed y Fadir	105B	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A and 3A
Public adopted highway known as the Groesffordd Marli to Cefn Meiriadog Road (unnamed) and hedgerows, telecommunications lines over and pole situated to the east of Plas Hafod	106A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A
Agricultural land, fencing, tree and hedgerows situated to the east of Coed Plas-newydd	107A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A
Agricultural land, fencing and hedgerows situated to the east of Coed Plas-newydd	107B	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A and 3A
Agricultural land, gate, fencing and hedgerows situated to the south of Groesffordd	108A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A
Agricultural land, fencing and hedgerow situated to the south of Groesffordd	108B	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A and 3A
Agricultural land and hedgerow situated to the south of Trebanog	111A	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A

<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Number of land shown on land plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Relevant part of the authorised development</i>
Agricultural land, hedgerow, fencing and trees situated to the south of Groesffordd	111B	Temporary use to facilitate construction of the authorised development	Part of numbered work 2A and 3A

## PROTECTIVE PROVISIONS

## PART 1

FOR THE PROTECTION OF OPERATORS OF ELECTRONIC  
COMMUNICATIONS CODE NETWORKS

**1.**—(1) For the protection of any operator, the following provisions have effect, unless otherwise agreed in writing between the undertaker and the operator.

(2) In this Part of this Schedule—

“the 2003 Act” means the Communications Act 2003(a);

“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)(b) 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 2003 Act(c);

“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 electronic communications code by a direction under section 106 of the 2003 Act; 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 2003 Act; and

“operator” means the operator of an electronic communications code network.

**2.** The exercise of the powers of article 29 (statutory undertakers) is subject to paragraph 23 of Schedule 2 to the Telecommunications Act 1984(d) (undertaker’s works).

**3.**—(1) Subject to sub-paragraphs (2) to (4), if as the result of the authorised development or its construction, or of any subsidence resulting from any of those works—

(a) 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; or

(b) there is any interruption in the supply of the service provided by an operator,

the undertaker must bear and pay the cost reasonably incurred by the operator in making good such damage or restoring the supply and make reasonable compensation to that operator for any other expenses, loss, damages, penalty or costs incurred by it, by reason, or in consequence of, any such damage or interruption.

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(a) 2003 (c.21).

(b) Paragraph 1(3A) was inserted by section 106(2) of, and paragraphs 1 and 4 of Schedule 3 to, the Communications Act 2003.

(c) See section 106.

(d) 1984 c.12. Paragraph 23 was amended by paragraph 5(a), 5(d) and 8 of Schedule 3 to the Communications Act 2003 (c.21), sections 68(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4), 190, 193(1), paragraphs 3(1)(2), 17, 40(4), 41(1), 57(6) and 58 of Schedule 26 and Schedule 27 to the Water Act 1989 (c.15), and paragraph 35(1) of Schedule 17, Schedule 18 and sections 112(3)(4) of the Electricity Act 1989 (c.29).



(2) 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 act, neglect or default of an operator, its officers, servants, contractors or agents.

(3) The operator must give the undertaker reasonable notice of any such claim or demand and no settlement or compromise of the claim or demand is to be made without the consent of the undertaker which, if it withholds such consent, has the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand.

(4) Any difference arising between the undertaker and the operator under this Part of this Schedule must be referred to and settled by arbitration under article 40 (arbitration).

**4.** 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.

**5.** 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 2

### FOR THE PROTECTION OF DŴR CYMRU CYFYNGEDIG

6. For the protection of DCC referred to in this Part 2 of Schedule 9, the following provisions will, unless otherwise agreed in writing between the undertaker and DCC, have effect.

7. In this Part of this Schedule—

“acceptable insurance” means a policy of public liability/third party liability insurance effected and maintained by the undertaker and available in the market on commercially reasonable terms having regard (inter alia) to premiums required and the policy terms obtainable, with a level of insurance cover to be agreed between the undertaker and DCC, during the construction of the works pursuant to this Order with a reputable insurer and with DCC named as an insured party under the policy;

“accessories” has the same meaning as that set out in section 219 WIA 1991 but also includes any feature or aspect of a design that is intended to receive or facilitate the receipt of rainwater or surface water and which is part of a sustainable drainage system;

“DCC apparatus” means all apparatus or accessories vested in or belonging to DCC for the purpose of carrying on its statutory undertaking including reservoirs, water treatment works and waste water treatment works;

“clearance area” means the area of land—

- (a) within 3 metres either side of the centre line of any public sewer or public water main that is less than 300mm in diameter;
- (b) within 6 metres either side of a public sewer or public water main where the public sewer or public water main is between 300mm and 600mm in diameter; or
- (c) within 9 metres either side of the centre line of a rising main;

“DCC” means Dŵr Cymru Cyfyngedig, a limited company registered in Wales under Company No. 2366777 and having its registered office at Pentwyn Road, Nelson, Treharris, Mid Glamorgan CF46 6LY or its properly authorised agents or sub-contractors;

“draft specification” means a detailed plan, cross-section and description of the works to be prepared by the undertaker (including, without limitation, a method statement and risk assessment setting out the intention in respect of the works, construction methods and programmes, position of the affected DCC apparatus and intended works and a statement that to the best of the undertaker’s knowledge, and having used all reasonable care and skill to plan the works, the works will not cause damage to the DCC apparatus);

“functions” has the same meaning as in section 219 WIA 1991 and includes powers and duties;

“in” in a context referring to DCC apparatus in land includes a reference to DCC apparatus under, over or upon land;

“sustainable drainage system” means any structure designed to receive rainwater and other surface water which structure is to include any feature or aspect of design that is intended to receive or facilitate the receipt of rainwater except a public sewer or a natural watercourse;

“WIA 1991” means the Water Industry Act 1991(a) as amended; and

“works” means any works forming part of the authorised development in, on, over or under any land purchased, held, or used under this Order that are near to, or will or may in any way affect any DCC apparatus together with all ancillary actions relating hereto,

for the avoidance of doubt, all other terms are as defined in article 2 of this Order.

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(a) 1991 c.56.

**8.**—(1) Regardless of any provision in this Order or anything shown on the land plans or contained in the book of reference, the undertaker must not acquire any DCC apparatus or its accessories or override or extinguish any easement or other interest of DCC or acquire any land or other interest of DCC identified in the book of reference or create any new rights over the same otherwise than by agreement with DCC in accordance with the provisions of this Schedule.

(2) Sub-paragraph (1) does not apply to the powers conferred on the undertaker by this Order to interfere temporarily with DCC's rights to access DCC apparatus or accessories but subject always to each sub-paragraph of paragraphs 12 and 13 of this Part and to the undertaker giving DCC 28 days' notice of such interference.

### **Precedence of the WIA 1991**

**9.**—(1) Regardless of any provision of this Order and this Schedule the undertaker must comply fully with all provisions of the WIA 1991 in relation to any use of, any connection with or any actions or omissions which in any way affect the DCC apparatus and nothing in this Order releases the undertaker from the requirement to comply with the provisions of the WIA 1991 in relation to any use of, any connection with or any actions or omissions which in any way affect the DCC apparatus, including without limitation—

- (a) sections 41-44 of the WIA 1991 in respect of water main requisitions;
- (b) section 45 of the WIA 1991 in respect of any connections to a water main;
- (c) sections 98-101 of the WIA 1991 in respect of sewer requisitions;
- (d) section 102 of the WIA 1991 in respect of the adoption of sewers and disposal works;
- (e) section 104 of the WIA 1991 in respect of the adoption of any sewers, drains or sewage disposal works as part of the development;
- (f) sections 106 to 109 of the WIA 1991 (inclusive) in respect of any connections to public sewers;
- (g) section 111 of the WIA 1991 in respect of the restrictions on use of public sewers;
- (h) sections 158 and 159 of the WIA 1991 in respect of statutory rights of access to DCC apparatus;
- (i) section 174 of the WIA 1991 in respect of offences of interference with works etc;
- (j) section 178 of the WIA 1991 in respect of obstruction of sewerage works etc; and
- (k) section 185 of the WIA 1991 in respect of the removal, diversion or alteration of DCC apparatus.

(2) The arbitration provisions at article 40 or specified in this Schedule do not apply where DCC uses a warrant of entry in accordance with the provisions of the WIA 1991.

### **Protection of DCC apparatus**

**10.**—(1) Not less than 28 days before starting the execution of any works that are within the clearance area or will, or could reasonably foreseeably affect, any DCC apparatus the removal or alteration of which has not been required by the undertaker under paragraph 9(1)(k), the undertaker must submit to DCC written notice together with a draft specification.

(2) DCC must examine the draft specification submitted under sub-paragraph (1) and give its written consent or proposed amendments (each not to be unreasonably withheld or delayed) to the draft specification (including the proposed commencement date and anticipated completion date) within 28 days from the date of receipt (and in the event of amendments the process in this sub-paragraph (2) must be repeated where those amendments are not accepted). For the avoidance of doubt, DCC's proposed amendments may include such reasonable requirements for the alteration (including but not limited to the extension of DCC apparatus) or otherwise for the protection of DCC apparatus, or for securing access to it.

(3) Once approved under sub-paragraph (2), the draft specification is to be the specification and the works must be executed only in accordance with the specification and such reasonable

requirements as may be made in accordance with sub paragraph (2) and DCC is entitled to watch and inspect the execution of those works.

(4) Nothing in this paragraph 10 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 draft specification instead of the draft specification previously submitted, and having done so the provisions of this paragraph 10 apply to and in respect of the new draft specification.

(5) The undertaker is not required to comply with sub-paragraph (1) in a case of emergency provided it has complied with sub-paragraph (8) below save that the undertaker must comply with sub-paragraphs (1) and (3) above in so far as is reasonably practicable in the circumstances.

(6) DCC may opt to carry out any temporary and/or protective works specified under sub-paragraph (2) to DCC apparatus, and if DCC opts to do so it must—

- (a) agree the scope and timings of the works with the undertaker (and the undertaker must not unreasonably withhold or delay its agreement to the same);
- (b) provide an invoice together with supporting evidence of the estimated costs of the works on the basis of which it must agree with the undertaker the reasonable costs of the works to be met by the undertaker;
- (c) following agreement and payment of the costs, DCC must as soon as reasonably practicable carry out and complete the works; and
- (d) notify the undertaker immediately in writing upon completion of the temporary and/or protective works.

(7) Only those contractors that satisfy DCC's reasonable health & safety requirements are permitted to make openings into and/or connections with and/or carry out any works on or within any public sewer or drain vested in DCC unless otherwise agreed with DCC.

(8) Only DCC is permitted to make openings into and/or connections with and/or carry out any works on or within any public water main vested in DCC unless otherwise agreed with DCC.

(9) Where DCC apparatus will be affected by the works the undertaker must determine the exact location of DCC apparatus prior to any works being carried out by the undertaker and the undertaker should contact DCC where trial holes are required and such trial holes must be constructed at the undertaker's expense.

(10) Any affected DCC apparatus which is no longer required by DCC but is not removed must be transferred to the undertaker by way of a deed of transfer from DCC at the undertaker's expense and on such terms as DCC reasonably requires.

### **Suspension of works**

11. DCC is entitled to instruct the undertaker to suspend the works if in DCC's reasonable opinion the actions of the undertaker, or those of its contractor(s) or subcontractor(s) in carrying out the works, have caused damage to any DCC apparatus and/or are likely to cause or result in damage to any DCC apparatus and/or have caused or are likely to cause damage to the environment arising as a result of damage to DCC apparatus. In the event of such instruction being given by DCC—

- (a) the undertaker must procure that it and its contractor(s) and subcontractor(s) are to forthwith suspend or cease the works having due regard to health and safety factors and discuss and agree with DCC the remedial actions required prior to resuming the works;
- (b) the undertaker and DCC must act reasonably and without delay in discussing and agreeing any remedial actions required prior to resuming the works;
- (c) DCC must submit to the undertaker within 5 days following the suspension, a written notice specifying the reasons for suspending the works;
- (d) in the event that DCC fails to supply the written notice within 5 days of suspension DCC's instruction to suspend the works will be void and the undertaker will be entitled to recommence the works;

- (e) DCC must commence, carry out and complete any remedial works pursuant to sub-paragraph (a), as soon as reasonably practicable and DCC must give the undertaker notice immediately upon completion of such remedial works and on receipt of such notice the undertaker will be entitled to resume the works; and
- (f) DCC is entitled to reclaim all reasonable costs of all remedial works undertaken in accordance with this paragraph 11.

**12.—**(1) In the event that either the undertaker or DCC (for the purpose of this paragraph 12 “the party” or together “the parties”) wishes to take any action which would impact on the ability of the undertaker to carry out the development or DCC to carry out its statutory functions, the parties must use reasonable endeavours to cooperate with one another in order to align work streams so to minimise or avoid disruption to the other party’s works. In respect of the references to ‘work’ and ‘works’ in this sub-paragraph (1), to the extent that this refers to ‘work’ or ‘works’ to be undertaken by DCC, the definition of works in paragraph 7 of this Part does not apply.

(2) Subject to paragraph 13, differences or disputes arising between the undertaker and DCC under this Schedule must, unless otherwise agreed in writing between the undertaker and DCC, be determined by arbitration in accordance with article 40 (arbitration) of the Order.

### **Emergency Works**

**13.—**(1) The undertaker is permitted to carry out emergency works provided that it first notifies DCC of the proposed emergency works. For the avoidance of doubt, in the event that DCC suffers any loss, cost or damage as a result of the emergency action taken by the undertaker without prior notification in accordance with this sub-paragraph the indemnity in paragraph 15 is to apply.

(2) DCC must at all times be permitted to carry out any emergency works in relation to its DCC apparatus within the Order Limits in accordance with Part II Schedule 6 WIA 1991.

(3) Emergency works required in order for DCC to fulfil its statutory functions under sub-paragraph (2) are to take precedence over works to be carried out by the undertaker and, in such circumstances, the undertaker must reschedule its works accordingly.

(4) In respect of the references to ‘work’ and ‘works’ in this paragraph 13, to the extent that this is ‘work’ or ‘works’ to be undertaken by DCC, the definition of works in paragraph 7 of this Part does not apply.

### **Insurance**

**14.** The undertaker must not commence any works under paragraph 10(1) to this Part unless and until the undertaker has procured acceptable insurance.

### **Damage to DCC apparatus**

**15.—**(1) Subject to sub-paragraphs (3), (4), (5) and (6), the undertaker is to indemnify and hold harmless DCC against all claims demands costs damages expenses penalties and losses which DCC sustains or becomes liable for in consequence of works under sub-paragraph 10(1) and emergency works under sub-paragraph 13(1) (but only in where such emergency works are carried out by the undertaker without prior notification to DCC in accordance with sub-paragraph 13(1)) to this Part in respect of—

- (a) any breach of this Part relating to the performance of the works caused by the actions or default of the undertaker, its contractors, subcontractors, licencees, agents and invitees relating to the performance of the works;
- (b) damage to the environment caused by the undertaker during any works including but not limited to pollution and/or contamination; and
- (c) any breach of any stipulation or otherwise of any deeds of grant (or any renewal of any of the deeds of grant made on substantially the same terms provided that DCC has supplied the undertaker with a copy of the new document) arising from the works.

(2) Subject to sub-paragraphs (3), (4), (5) and (6), the undertaker is to bear and pay the costs reasonably incurred by DCC in making good damage to DCC apparatus or restoring an interruption in the supply provided by DCC as a direct consequence of the undertaker's performance of the works under this Part.

(3) 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 act, neglect or default of DCC, its officers, servants, contractors or agents.

(4) DCC must use its reasonable endeavours to mitigate in whole or in part and to minimise any costs, expenses, loss, demands, and penalties to which the indemnity under this paragraph 15 applies. If requested to do so by the undertaker, DCC is to provide an explanation of how the claim has been minimised and mitigated. The undertaker is only liable under this paragraph 15 for claims reasonably incurred by DCC.

(5) Neither the undertaker, nor any of its officers, employees or agents are, in any circumstances whatsoever, liable to DCC for any indirect or consequential loss.

(6) Nothing in this Part affects the provisions of any enactment or agreement regulating the relations between the undertaker and DCC in respect of any DCC apparatus laid or erected in land belonging to the undertaker on the date on which the Order is made.

## PART 3

### FOR THE PROTECTION OF NATURAL RESOURCES WALES AND THE RELEVANT PLANNING AUTHORITY

**16.**—(1) The following provisions shall apply for the protection of the consenting authority unless otherwise agreed in writing between the undertaker and the consenting authority.

(2) In this part of this Schedule—

“consenting authority” means—

- (a) NRW in respect of any work which requires consent under section 109 of the Water Resources Act 1991 or the provisions of any byelaws made under, or having effect as if made under, paragraphs 5, 6 or 6A of Schedule 25 to the Water Resources Act 1991; and
- (b) either Denbighshire County Council or Conwy County Borough Council in respect of any work which requires consent under section 23 of the Land Drainage Act 1991;

“construction” includes execution, placing, altering, replacing, relaying and removal and excavation, and “construct” and “constructed” shall be construed accordingly;

“drainage work” means any watercourse and includes any land which provides or is expected to provide flood storage capacity for any watercourse and any bank, wall, embankment or other structure, or any appliance, constructed or used for land drainage, flood defence, and any ancillary works constructed as a consequence of works carried out for drainage purposes;

“emergency” means a situation which—

- (c) is unexpected, involving little or no prior warning, or aspects of which could not have reasonably been predicted in advance;
- (d) is a serious event presenting a risk of harm or damage to people, property or the environment; and
- (e) requires a need for urgent action to address the risk of harm, carry out repairs or prevent a worsening of the situation;

“plans” includes sections, drawings, specifications, calculations and method statements;

“specified work” means a work that is required to be consented under the terms of section 109 of the Water Resources Act 1991, section 23 of the Land Drainage Act 1991 or [insert reference to bye laws if relevant] irrespective of any status as a statutory undertaker under those provisions; and

“watercourse” includes all rivers, streams, ditches, drains, cuts, culverts, dykes, sluices, basins, sewers and passages through which water flows except a public sewer.

**17.** Regardless of any provision in this Order or anything shown on the land plans or contained in the book of reference, the undertaker shall not acquire any interest of the consenting authority or acquire any land or other land interest of the consenting authority identified in the book of reference or create any new rights over the same otherwise than by agreement with the consenting authority in accordance with the provisions of this Schedule.

**18.**—(1) Before beginning to construct any specified work, the undertaker shall submit to the consenting authority plans of the specified work and such further particulars available to it as the consenting authority may within 28 days of the receipt of the plans reasonably require.

(2) Any such specified work shall not be constructed except in accordance with such plans as may be approved in writing by the consenting authority, or determined under sub-paragraph (1).

(3) Any approval of the consenting authority required under this paragraph—

- (a) shall not be unreasonably withheld or delayed;
- (b) shall be given within 8 weeks of the submission of the plans submitted under sub-paragraph (1) or where the consenting authority has requested further particulars for

approval (such request must be made within 2 weeks of receipt of the plans submitted under sub-paragraph (1)) within 8 weeks of the submission of such plans;

- (c) shall be deemed to have been given if it is neither given nor refused within 8 weeks of the submission of the plans or receipt of further particulars if such particulars have been required by the consenting authority for approval; and
- (d) may be given subject to such reasonable modifications to the plans as the consenting authority may request and such reasonable requirements as the consenting authority may make for the protection of any drainage work or for the protection of watercourse, or for the prevention of flooding or pollution or in the discharge of its environmental duties.

**19.** Without prejudice to the generality of paragraph 17 but subject always to the provision of that paragraph as to reasonableness, the requirements which the consenting authority may make under that paragraph include conditions requiring the undertaker at its own expense to construct such protective works, whether temporary or permanent, before or during the construction of the specified works as are reasonably necessary to safeguard any drainage work against damage.

**20.—(1)** Subject to sub-paragraph (2), any specified work, and all protective works required by the consenting authority under paragraph 19, shall be constructed—

- (a) in accordance with the plans approved or deemed to have been approved under this Schedule; and
- (b) the consenting authority shall be entitled by its officer to watch and inspect the construction of such works.

(2) The undertaker shall give to the consenting authority not less than 14 days' notice in writing of its intention to commence construction of any specified work and notice in writing of its completion not later than 7 days after the date on which it is completed.

(3) If the consenting authority shall reasonably require, the undertaker shall construct all or part of the protective works so that they are in place prior to the construction of any specific work.

(4) If any part of a specified work or any protective work required by the consenting authority is constructed otherwise than in accordance with the requirements of this Schedule, the consenting authority may by notice in writing require the undertaker at the undertaker's own expense to comply with the requirements of this part of this Schedule or (if the undertaker so elects and the consenting authority in writing consents, such consent not to be unreasonably withheld or delayed) to remove, alter or pull down the work and, where removal is required, to restore the site to its former condition to such extent and within such limits as the consenting authority reasonably requires.

(5) Subject to sub-paragraph (6), if within a reasonable period, being not less than 28 days from the date when a notice under sub-paragraph (4) is served upon the undertaker, it has failed to begin taking steps to comply with the requirements of the notice and subsequently to make reasonably expeditious progress towards their implementation, the consenting authority may execute the works specified in the notice and any expenditure incurred by it in so doing shall be recoverable from the undertaker.

(6) In the event of any dispute as to whether sub-paragraph (4) is properly applicable to any work in respect of which notice has been served under that sub-paragraph, or as to the reasonableness of any requirement of such a notice, the consenting authority shall not, except in emergency, exercise the powers conferred by sub-paragraph (5) until the dispute has been finally determined.

**21.—(1)** Subject to sub-paragraph (6) the undertaker shall, from the commencement of the construction of the specified works, maintain in good repair and condition and free from obstruction any drainage work which is situated within the limits of deviation, whether or not the drainage work is constructed under the powers conferred by this Order or is already in existence.

(2) If any such drainage work which the undertaker is liable to maintain is not maintained to the reasonable satisfaction of the consenting authority, the consenting authority may by notice in writing require the undertaker to repair and restore the work, or any part of such work, or (if the undertaker so elects and the consenting authority in writing consents, such consent not to be



unreasonably withheld or delayed), to remove the work and restore the site to its former condition, to such extent and within such limits as the consenting authority reasonably requires.

(3) If, within a reasonable period being not less than 28 days beginning with the date on which a notice in respect of any drainage work is served under sub-paragraph (2) on the undertaker, the undertaker has failed to begin taking steps to comply with the reasonable requirements of the notice and has not subsequently made reasonably expeditious progress towards their implementation, the consenting authority may do what is necessary for such compliance and may recover any expenditure reasonably incurred by it in so doing from the undertaker.

(4) If there is any failure by the undertaker to obtain consent or comply with conditions imposed by the consenting authority in accordance with these protective provisions the consenting authority may serve written notice requiring the undertaker to cease all or part of the specified works and the undertaker shall cease the specified works or part thereof until it has obtained the consent or complied with the condition unless the cessation of the specified works or part thereof would cause greater damage than compliance with the written notice.

(5) In the event of any dispute as to the reasonableness of any requirement of a notice served under sub-paragraph (2), the consenting authority shall not, except in a case of emergency, exercise the powers conferred by sub-paragraph (3) until the dispute has been finally determined.

(6) This paragraph does not apply to drainage works which are vested in the consenting authority, or which the consenting authority or another person is liable to maintain and is not proscribed by the powers of the Order from doing so.

**22.** If by reason of the construction of any specified work or of the failure of any such work the efficiency of any drainage work is impaired, or that drainage work is otherwise damaged, such impairment or damage shall be made good by the undertaker to the reasonable satisfaction of the consenting authority and if the undertaker fails to do so, the consenting authority may make good the same and recover from the undertaker the expense reasonably incurred by it in so doing.

**23.** The fact that any work or thing has been executed or done by the undertaker in accordance with a plan approved or deemed to be approved by the consenting authority, or to its satisfaction, or in accordance with any directions or award of an arbitrator, shall not relieve the undertaker from any liability under the provisions of this Part of this Schedule.

## PROCEDURE FOR DISCHARGE OF REQUIREMENTS

**Applications made under requirements**

1.—(1) Where an application has been made to the relevant authority for any consent, agreement or approval required by a requirement (including agreement or approval in respect of part of a requirement) included in this Order the relevant authority must give notice to the undertaker of their decision on the application within—

- (a) a period of eight weeks beginning with the day immediately following that on which the application is received by the authority;
- (b) a period of eight weeks beginning with the day immediately following that on which further information has been supplied by the undertaker under paragraph 2; or
- (c) such longer period as may be agreed by the undertaker and the relevant authority in writing.

(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 to be taken to have granted all parts of the application (without any condition or qualification) at the end of that period unless otherwise agreed in writing.

(3) Where an application is made to the relevant authority for any consent, agreement or approval required by requirements 11 and 13 (including agreement or approval in respect of part of a requirement), the applicant must at the same time as making the application send a copy of the materials provided in support of the application to NRW and must draw NRW's attention to the procedure set out in paragraphs 1-3 of this Schedule and state that any comments must be provided to the relevant authority within 21 days if they are to be considered by the relevant authority.

(4) Where an application is made to the relevant authority for any consent, agreement or approval required by requirements 11 and 13 (including agreement or approval in respect of part of a requirement), the relevant authority is not required to consider comments received from NRW more than 21 days after the date of the application.

(5) Where an application is made to the relevant authority for any consent, agreement or approval required by an article or requirement included in this Order and the relevant authority intends to consult NRW in relation to that application the undertaker must as soon reasonably practicable comply with any direction from the relevant authority to provide a copy of the materials provided in support of the application to NRW.

**Further information**

2.—(1) In relation to any part of the application to which this Schedule applies, the relevant authority has the right to request such further information from the undertaker as is necessary to enable it to consider the application.

(2) In the event that it considers such further information to be necessary the relevant authority must, within 21 days of receipt of the application, notify the undertaker in writing specifying the further information required and (if applicable) to which part of the application it relates. In the event that the relevant authority does not give such notification within this 21 day period it is deemed to have sufficient information to consider the application and thereafter is not entitled to request further information unless otherwise agreed in writing.

(3) Where further information is requested under this paragraph 2 in relation to part only of an application, that part is to be treated as separate from the remainder of the application for the purposes of calculating time periods in paragraph 1(1)(b) and this paragraph 2.

## Appeals

- 3.—(1) The undertaker may appeal in the event that—
- (a) the relevant authority refuses an application for any consent, agreement or approval required by an article or requirement included in this Order;
  - (b) the relevant authority grants an application for any consent, agreement or approval required by an article or requirement included in this Order subject to conditions; or
  - (c) on receipt of a request for further information pursuant to paragraph 2 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.
- (2) The appeal process is to be as follows—
- (a) The undertaker must submit the appeal documentation to the Secretary of State and must on the same day provide copies of the appeal documentation to the relevant authority and NRW (if relevant);
  - (b) The Secretary of State must appoint a suitably qualified person experienced in hearing appeals of a similar nature, scope and character as the relevant appeal as soon as reasonably practicable after receiving the appeal documentation and in any event within a period of 14 days after receiving the appeal documentation, and must immediately forthwith notify the appeal parties and NRW (if relevant) of the identity of the appointed person and the address to which all correspondence for his attention should be sent;
  - (c) The relevant authority and NRW (if relevant) must submit written representations to the appointed person in respect of the appeal within 26 days of the start date 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;
  - (d) The undertaker must make any counter-submissions to the appointed person within 26 days of receipt of written representations pursuant to sub-paragraph (c) above; and
  - (e) The appointed person must determine the appeal and notify his decision to the appeal parties and NRW (if relevant), with reasons, as soon as reasonably practicable and in any event within 40 days of the deadline for the receipt of counter-submissions pursuant to sub-paragraph (d).

The appointment of the person pursuant to sub-paragraph (b) may be undertaken by a person appointed by the Secretary of State for this purpose instead of by the Secretary of State.

(3) In the event that the appointed person considers that further information is required from the undertaker to enable him to determine the appeal he must, within 12 days of his appointment, notify the undertaker in writing specifying the further information required.

(4) Any further information required pursuant to sub-paragraph (3) must be provided by the undertaker to the appointed person, the relevant authority and NRW (if relevant) on or before the date specified by the appointed person (the “specified date”), and the appointed person must notify the appeal parties of the revised timetable for the appeal on or before that day. The revised timetable for the appeal must require submission of written representations to the appointed person within 14 days of the specified date but must otherwise be in accordance with the process and time limits set out in sub-paragraph (2)(c) to (e).

- (5) On an appeal under this paragraph, the appointed person may—
- (a) dismiss the appeal and affirm the decision of the relevant authority;
  - (b) where the decision being appealed is a refusal to grant consent, agreement or approval, to allow the appeal and direct the relevant authority to grant consent, agreement or approval; or
  - (c) where the decision being appealed was as to the conditions of any consent, agreement or approval, to vary or quash all or any of the conditions of the consent, agreement or approval,

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

(6) The appointed person may take into account written representations that have been received outside the relevant time limits but the appointed person must proceed to a decision within the time limits set by this Schedule.

(7) The appointed person may proceed to a decision even though no written representations have been made within the relevant time limits.

(8) The decision of the appointed person on an appeal is to be 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.

(9) If an approval is given by the appointed person pursuant to this Schedule, it is deemed to be an approval for the purpose of this Order as if it had been given by the relevant authority. 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) is not to be taken to affect or invalidate the effect of the appointed person's determination.

(10) Save where a direction is given pursuant to sub-paragraph (11) requiring the costs of the appointed person to be paid by the relevant authority, the reasonable costs of the appointed person in reviewing the written representations and determining the appeal must be met by the undertaker. The appeal parties and NRW shall bear their own costs in connection with any appeal.

(11) On application by the relevant authority or the undertaker, the appointed person may give directions as to the parties by whom the costs of the appeal are to be paid. In considering whether to make any such direction and the terms on which it is to be made, the appointed person must have regard to Welsh Government Circular NAFWC 07/2003 Planning (and analogous) Appeals and Call-in Procedures or any circular or guidance which may from time to time replace it.

#### **4. In this Schedule—**

“relevant authority” means the relevant planning authority, relevant highway authority, traffic authority, street authority, or the owner of a watercourse, sewer or drain as may be appropriate to the consent, agreement or approval sought;

“Secretary of State” means the Secretary of State for Communities and Local Government;

“appeal documentation” means—

- (a) a statement of the grounds of appeal;
- (b) a copy of any relevant application to the relevant authority;
- (c) a copy of any relevant permit;
- (d) a copy of any relevant correspondence between the undertaker and the relevant authority and/or NRW; and
- (e) a copy of the decision or notice that is the subject of the appeal;

“appeal parties” means the undertaker and the relevant authority; and

“start date” means the date on which the appeal parties and NRW are notified of the identity of the appointed person and the address to which all correspondence for his attention should be sent.

SCHEDULE 11

Article 31

REMOVAL OF IMPORTANT HEDGEROWS

Table 10

<i>Area (1)</i>	<i>Important hedgerows shown on Landscaping Plans (2)</i>
Denbighshire	The hedgerow shown between points He1 – He2 on sheet 1
Denbighshire	The hedgerow shown between points He3 – He4 on sheet 1
Denbighshire	The hedgerow shown between points He5 – He6 on sheet 1
Denbighshire	The hedgerow shown between points He7 – He8 on sheet 2
Denbighshire	The hedgerow shown between points He9 – He10 on sheet 2
Denbighshire	The hedgerow shown between points He11 – He12 on sheet 2
Denbighshire	The hedgerow shown between points He13 – He14 on sheet 2
Denbighshire	The hedgerow shown between points He15 – He16 on sheet 3
Conwy	The hedgerow shown between points He17 – He18 on sheet 7
Conwy	The hedgerow shown between points He19 – He20 on sheet 7
Conwy	The hedgerow shown between points He21 – He22 on sheet 7
Conwy	The hedgerow shown between points He23 – He24 on Sheet 8
Conwy	The hedgerow shown between points He25 – He26 on sheet 8
Conwy	The hedgerow shown between points He27 – He28 on sheet 8
Conwy	The hedgerow shown between points He29 – He30 on sheet 8
Conwy	The hedgerow shown between points He31 – He32 on sheet 8
Conwy	The hedgerow shown between points He33 – He34a on sheet 8
Conwy	The hedgerow shown between points He33 – He34b on sheet 8
Conwy	The hedgerow shown between points He35 – He36 on sheet 9
Conwy	The hedgerow shown between points He37 – He38 on sheet 9
Conwy	The hedgerow shown between points He39 – He40 on sheet 9
Conwy	The hedgerow shown between points He41 – He42 on sheet 9

<i>Area (1)</i>	<i>Important hedgerows shown on Landscaping Plans (2)</i>
Conwy	The hedgerow shown between points He43 – He44 on sheet 9
Conwy	The hedgerow shown between points He45 – He46 on sheet 9
Conwy	The hedgerow shown between points He47 – He48 on sheet 9
Conwy	The hedgerow shown between points He49 – He50 on sheet 10
Conwy	The hedgerow shown between points He51 – He52 on sheet 10
Conwy	The hedgerow shown between points He53 – He54 on sheet 10
Conwy	The hedgerow shown between points He55 – He56 on sheet 10
Conwy	The hedgerow shown between points He57 – He58 on sheet 10
Conwy	The hedgerow shown between points He59 – He60 on sheet 10
Conwy	The hedgerow shown between points He61 – He62 on sheet 11
Conwy	The hedgerow shown between points He63 – He64a on sheet 11
Conwy	The hedgerow shown between points He63 – He64b on sheet 11
Conwy	The hedgerow shown between points He65 – He66 on sheet 11
Conwy	The hedgerow shown between points He67 – He68 on sheet 11
Conwy	The hedgerow shown between points He69 – He70 on sheet 11
Conwy	The hedgerow shown between points He71 – He72 on sheet 11
Conwy	The hedgerow shown between points He73 – He74 on sheet 11
Conwy	The hedgerow shown between points He75 – He76 on sheet 11
Conwy	The hedgerow shown between points He77 – He78 on sheet 12

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order authorises SP Manweb PLC (referred to in this Order as the undertaker) to install and keep installed, use and maintain, a 132 kV electric line above ground, approximately 17.3 km in length. The Order would permit the undertaker to acquire, compulsorily or by agreement, rights in land and to use land for this purpose.

A copy of the Order plans and the book of reference mentioned in this Order and certified in accordance with article 36 of this Order (certification of plans, etc.) may be inspected free of charge during working hours at [ ].