

YG-DCO-023(B)

# Yorkshire Green Energy Enablement (GREEN) Project

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

**nationalgrid**

**202[\*] No. \*\*\*\***

**INFRASTRUCTURE PLANNING**

**National Grid (Yorkshire Green Energy Enablement Project)  
Development Consent Order [202[\*]]**

*Made* - - - - - \*\*\*  
*Laid before Parliament* \*\*\*  
*Coming into force* \*\*\*

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

The application was examined by [a panel appointed as] an examining authority (appointed by the Secretary of State) in accordance with Chapter 4 of Part 6 of the 2008 Act and the Infrastructure Planning (Examination Procedure) Rules 2010<sup>(c)</sup>.

The [panel/examiner], having considered the representations made and not withdrawn and the application together with the accompanying documents, in accordance with section 74 of the 2008 Act has submitted a report and recommendation to the Secretary of State.

The Secretary of State, having considered the representations made and not withdrawn, and the report and recommendation of the [panel/examiner], has decided to make an Order granting development consent for the development described in the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

The Secretary of State, in exercise of the powers conferred by sections 114, 115, 117, 120, 122 and 123 of, and paragraphs 1 to 3, 6, 10 to 15, 17, 26, 33, 36 and 37 of Part 1 Schedule 5 to, the 2008 Act, makes the following Order—

## PART 1

### PRELIMINARY

#### **Citation and commencement**

1. This Order may be cited as the National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order [XX] and comes into force on [XX].

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(a) 2008 c.29. Parts 1 to 7 were amended by Chapter 6 of Part 6 of and Schedule 13 to the Localism Act 2011 (c.20).

(b) S.I. 2009/2264.

(c) S.I. 2010/103, amended by S.I. 2012/635.

## Interpretation

2.—(1) In this Order except where provided or context requires otherwise—

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

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

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

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

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

“the 1989 Act” means the Electricity Act 1989(f);

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

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

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

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

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

“the 2016 Regulations” means the Environmental Permitting (England and Wales) Regulations 2016(l);

“access, rights of way and public rights of navigation plan” means the document of that description listed in Part 1 of Schedule 2 (plans and drawings) and certified by the Secretary of State as the access, rights of way and public rights of navigation plan for the purposes of this Order under article 48 (certification of plans, etc.);

“arboricultural impact assessment” means the document of that description certified by the Secretary of State as the arboricultural impact assessment under article 48 (certification of plans, etc.);

“archaeological written scheme of investigation” means the document of that description certified by the Secretary of State as the archaeological written scheme of investigation for the purposes of this Order under article 48 (certification of plans, etc.);

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

“biodiversity mitigation strategy” means the document of that description certified by the Secretary of State as the biodiversity mitigation strategy for the purposes of this Order under article 48 (certification of plans, etc.);

“book of reference” means the document of that description certified by the Secretary of State as the book of reference for the purposes of this Order under article 48 (certification of plans, etc.);

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

“business day” means a day other than Saturday or Sunday which is not Christmas Day, Good Friday or a bank holiday under section 1 of the Banking and Financial Dealings Act 1971(m);

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- (a) 1961 c.33.
  - (b) 1965 c.56.
  - (c) 1980 c.66.
  - (d) 1981 c.66.
  - (e) 1984 c.27.
  - (f) 1989 c.29.
  - (g) 1990 c.8.
  - (h) 1991 c.22.
  - (i) 2003 c.21.
  - (j) 2008 c.29.
  - (k) 2016 c.22.
  - (l) S.I. 2016/1154.
  - (m) 1971 c.80.

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

“code of construction practice” means the document of that description certified by the Secretary of State as the code of construction practice for the purposes of this Order under article 48 (certification of plans, etc.);

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

“construction management plans” means the plans listed at Requirement 5(2) of Schedule 3 (Requirements);

“construction traffic management plan” means the document of that description certified by the Secretary of State as the construction traffic management plan for the purposes of this Order under article 48 (certification of plans, etc.);

“cycle track” has the same meaning as in section 329(1) (further provision as to interpretation) of the 1980 Act and for the purposes of this Order includes a right of way on foot;

“design drawings” means the document of that description listed in Part 2 of Schedule 2 (plans and drawings) and certified by the Secretary of State as the design drawings for the purposes of this Order under article 48 (certification of plans, etc.)”

“electric line” has the same meaning as in section 64 (interpretation etc. of Part 1) of the 1989 Act;

“electronic transmission” means a communication transmitted—

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

“environmental statement” means the environmental statement (Documents 5.1 to 5.4.18);

“extinguishment of easements, servitudes and other private rights plan” means the document of that description listed in Schedule 2 (plans and drawings) and certified by the Secretary of State as the extinguishment of easements, servitudes and other private rights plan under article 48 (certification of plans, etc.);

“foundations” means a foundation placed in land to support pylons and electric lines constructed upon those foundations;

“highway” has the same meaning as in section 328(1) (meaning of “highway”) of the 1980 Act;

“highway authority” means the relevant highway authority for the area of land to which the relevant provision of this Order relates and any successor in function;

“land plan” means the document of that description listed in Part 3 of Schedule 2 (plans and drawings) and certified as the land plan by the Secretary of State for the purposes of this Order under article 48 (certification of plans, etc.);

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

“linear works” means those works shown on the works plan with a centreline;

“local authority” means the relevant local authority for the area of land to which the relevant provision of this Order relates and any successor in function;

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

“maintain” includes inspect, repair, adjust, alter, dismantle, remove, clear, refurbish, re-tension, paint, surface treat, decommission, improve, reconstruct or replace any or all of the authorised development including through the use of robots, drones, gadgets or similar devices either remote controlled or autonomous, provided such works do not give rise to any

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(a) “main river” is defined in section 113, as amended by Water Act 2014 (c. 21), Part 2, section 59(3).

materially new or materially different environmental effects to those identified in the environmental statement, and any derivative of “maintain” must be construed accordingly;

“National Grid” means National Grid Electricity Transmission plc (registered company number 02366977);

“NGN” means Northern Gas Networks Limited (Company Number 05167070);

“NGN Works” means those works to NGN assets or equipment forming part of the authorised development, including Work No. U10;

“noise and vibration management plan” means the document of that description certified by the Secretary of State as the noise and vibration management plan for the purposes of this Order under article 48 (certification of plans, etc.);

“non-linear works” means those works identified on the works plan as non-linear works comprising substations and cable sealing end compounds;

“NPG” means Northern Power Grid (Northeast) PLC (registered company number 02906593);

“NPG Works” means those works to NPG assets or equipment forming part of the authorised development, including Work Nos. U1, U2, U3, U4, U5, U6, U7, U8, U9, U11, U12, U13, U14 and U15;

“Order land” means the land shown on the land plan which is within the limits of land to be acquired and described in the book of reference;

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

“outline landscape mitigation strategy” means the document of that description certified by the Secretary of State as the outline landscape mitigation strategy for the purposes of this Order under article 48 (certification of plans, etc.);

“outline soil management plan” means the document of that description certified by the Secretary of State as the outline soil management plan for the purposes of this Order under article 48 (certification of plans, etc.);

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

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

“public rights of way management plan” means the document of that description and certified by the Secretary of State as the public rights of way management plan for the purposes of this Order under article 48 (certification of plans, etc.);

“relevant drainage authorities” means the drainage board for the area of land to which the relevant provision of this Order applies within the meaning of section 23 (prohibition on obstructions etc, in watercourses) of the Land Drainage Act 1991(c);

“relevant planning authority” means the district planning authority for the area of land to which the relevant provision of this Order applies and any successor in function;

“requirements” means, or a reference to a numbered requirement is to, those matters set out in Schedule 3 (requirements) to this Order;

“sewerage undertaker” means a company appointed under the Water Industry Act 1991(d) to provide sewerage services in respect of a geographical area of England and Wales;

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- (a) 1981 c. 67. The definition of “owner” was amended by paragraph 9 of Schedule 15 to, the Planning and Compensation Act 1991 (c. 34). There are other amendments to section 7 which are not relevant to this Order.
- (b) 2004 c.18.
- (c) c. 23. Section 23 was amended by the Environment Act 1995 (c. 29), Schedule 22, paragraph 192 and the Flood and Water Management Act 2010 (c. 29), Schedule 2, paragraph 32 and the Natural Resources Body for Wales (Functions) Order 2013/755 Schedule 2(1), paragraph 322(2).
- (d) 1991 c. 57 as amended by S.I. 2009/3104.



“statutory undertaker” means any person falling within section 127(8) (statutory undertakers’ land) of the 2008 Act and a public communications provider as defined in section 151 (interpretation of chapter 1) of the 2003 Act;

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

“street authority”, in relation to a street, has the same meaning as in Part 3 (street works in England and Wales) of the 1991 Act(b);

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

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

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

“traffic regulation order plan” means the document of that description certified as the traffic regulation order plan by the Secretary of State for the purposes of this Order under article 498 (certification of plans, etc.);

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

“the undertaker”—

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

(d) in relation to the NPG Works and subject to Schedule 5 (benefit of the Order rules), includes NPG; and

(e) in relation to the NGN Works and subject to Schedule 5 (benefit of the Order rules), includes NGN;

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

“works plan” means the document of that description certified as the works plan by the Secretary of State for the purposes of this Order under article 48 (certification of plans, etc.).

(2) References in this Order to rights over land include references to rights to do or restrain 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 restrictive covenants are references to the creation of rights over the land which interfere with the interests or rights of another and are for the benefit of land which is acquired under this Order or which is an interest otherwise comprised in the Order land.

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

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

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

(b) “street authority” is defined in section 49, which was amended by paragraph 117 of Schedule 1 to the Infrastructure Act (c.7).

(c) Section 121A was inserted by section 168(1) of, and paragraph 70 of Schedule 8 to, the 1991 Act and amended by paragraphs 70 and 95 of Schedule 1 to the Infrastructure Act 2015 (c. 7). There are other amendments to section 121A which are not relevant to this Order

(5) Any reference in this Order to a work identified by the number of the work is to be construed as a reference to the work of that number authorised by this Order.

(6) Unless otherwise stated, references in this Order to points identified by letters are to be construed as references to the points so lettered on the relevant plans.

(7) The expression “includes” is to be construed without limitation unless the contrary intention appears.

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

(9) For the purposes of this Order, “operational use” in relation to any part of the authorised development occurs when that part first transmits electricity at 275 kilovolts or above.

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

## PART 2

### PRINCIPAL POWERS

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

3.—(1) Subject to the provisions of this Order and to Schedule 3 (requirements)—

- (a) National Grid is granted development consent for the authorised development set out in Schedule 1 (authorised development) to be carried out within the Order limits;
- (b) subject to article 6 (benefit of the Order), NPG is granted development consent for the NPG Works; and
- (c) subject to article 6 (benefit of the Order) NGN is granted development consent for the NGN Works.

(2) National Grid may—

- (a) install and keep installed the authorised development; and
- (b) remove or replace any electric line including pylons that may require removal as part of the authorised development.

(3) NPG may—

- (a) subject to Schedule 5 (benefit of the Order rules), install the NPG Works;
- (b) keep installed the underground cables and telemetry included in the NPG Works; and
- (c) remove or replace any electric line including pylons or poles that may require removal in relation to the NPG Works.

(4) NGN may—

- (a) subject to Schedule 5 (benefit of the Order rules), install the NPG Works;
- (b) keep installed the underground gas pipelines included in the NGN Works; and
- (c) remove or replace any pipeline that may require removal in relation to the NGN Works.

(5) National Grid may operate and use the electric lines and any other elements of the authorised development (excluding the NPG Works and the NGN Works) as part of the high-voltage electricity transmission system in England and Wales.

(6) NPG may operate and use the electric line and any other elements of the NPG Works as part of the electricity distribution network.

(7) NGN may operate and use the gas pipeline and any other elements of the NGN Works as part of the gas distribution network.

(8) Schedule 2 (plans and drawings) has effect.

## **Maintenance of authorised development**

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

(2) NPG may at any time maintain the NPG Works, except to the extent that this Order, or an agreement made under this Order, provides otherwise.

(3) NGN may at any time maintain the NGN Works, except to the extent that this Order, or an agreement made under this Order, provides otherwise.

## **Limits of deviation**

5.—(1) In carrying out, maintaining or diverting the authorised development for which it is granted development consent by article 3 (development consent etc. granted by the Order) the undertaker may—

- (a) deviate laterally from the centreline for the linear works forming part of the authorised development shown on the works plans within the limits of deviation relating to that work shown on those plans;
- (b) deviate laterally from the situations for the non-linear works forming part of the authorised development shown on the works plans and design drawings within the limits of deviation relating to that work shown on the design drawings;
- (c) in respect of the overhead lines and any supporting structures deviate vertically from the levels of the authorised development shown on the design drawings to any extent upwards not exceeding 6 metres;
- (d) deviate vertically for the linear works to such extent downwards as the undertaker considers necessary or convenient; and
- (e) carry out construction activities for the purposes of the authorised development anywhere within the Order limits.

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

(3) Without prejudice to paragraphs (5) and (6) of article 3 (development consent etc. granted by the Order) the removal, clearance, decommissioning and demolition of any existing electric line may take place within the Order limits.

(4) In respect of the non-linear works forming part of the authorised development:

- (a) the undertaker may deviate to any extent upwards not exceeding the maximum height shown on the relevant parameter plans within the design drawings; and
- (b) the authorised development is to be carried out within any parameters shown on the parameter plans within the design drawings.

## **Benefit of the Order**

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

- (a) National Grid in respect of the authorised development;
- (b) subject to Schedule 5 (benefit of the Order rules), NPG in respect of the NPG Works; and
- (c) subject to Schedule 5 (benefit of the Order rules), NGN in respect of the NGN Works.

(2) Paragraph (1) does not apply where the consent granted by this Order is expressed to be for the benefit of owners and occupiers of land, statutory undertakers and other persons affected by the authorised development.

(3) Schedule 5 (benefit of the Order rules) has effect.

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

7.—(1) National Grid in relation to the authorised development, NPG in relation to the NPG Works and NGN in relation to the NGN Works, may, with the consent of the Secretary of State—

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

(2) Where a transfer or grant has been made in accordance with paragraph (1) references in this Order to National Grid, NPG or NGN (as the case may be), except in paragraphs (4) and (5), is to 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) are subject to the same restrictions, liabilities and obligations as would apply under this Order if those benefits or rights were exercised by the undertaker, save where those benefits or rights are exercised by a statutory undertaker (which for the purposes of this article includes any entity listed in paragraph (7)), or by an owner or occupier of land pursuant to paragraph (2) of article 25 (compulsory acquisition of rights) of this Order, in which case liability for the payment of compensation remains with National Grid.

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

(5) Any rights or benefits in relation to the NGN Works that are transferred or granted by NGN under paragraph (1) are subject to Schedule 5 (benefit of the Order rules) as if they had remained exercisable by NGN.

(6) The consent of the Secretary of State under this article is not required where the powers of article 25(1) (compulsory acquisition of rights) are, with the consent of the undertaker given under article 25(2) (compulsory acquisition of rights), proposed to be exercised by a statutory undertaker rather than by National Grid.

(7) The consent of the Secretary of State is not required under this article, where the transfer or grant is made, for the purpose of diverting or replacing their owned or managed structures, apparatus or equipment which forms part of the authorised development described in Schedule 1 and contained within the Order limits, to—

- (a) British Telecommunications Public Limited Company (Company Number 01800000) whose registered office is at 1 Braham Street, London, United Kingdom, E1 8EE;
- (b) EE Limited (Company Number 02382161) whose registered office is at 1 Braham Street, London, United Kingdom, E1 8EE;
- (c) Vodafone Limited (Company Number 01471587), whose registered office is at Vodafone House, The Connection, Newbury, Berkshire RG14 2FN; and
- (d) Yorkshire Water Limited (Company Number 03778498) whose registered office is at Western House, Halifax Road, Bradford, West Yorkshire, BD6 2SZ.

### **Planning Permission**

8. If planning permission is issued or granted pursuant to the 1990 Act for development any part of which is within the Order limits that is—

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

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

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

**9.**—(1) Where land within the Order limits is used for temporary construction works, section 57(2) (planning permission required for development) of the 1990 Act applies as if the development consent granted by this Order were planning permission granted for a limited period.

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

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

- (4) If any proceedings are begun to challenge the validity of this Order, the period specified in—
- (a) paragraph (1) of article 24 (time limit for exercise of authority to acquire land and rights compulsorily); and
  - (b) requirement 2 (time limits) of Schedule 3 (requirements)

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

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

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

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

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

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

**10.**—(1) Notwithstanding the provisions of section 208 (liability) of the 2008 Act, for the purposes of regulation 6 of the Community Infrastructure Levy Regulations 2010(a) any building comprised in the authorised development is deemed to be—

- (a) a building into which people do not normally go; or
- (b) a building into which people go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery.

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(a) S.I. 2010/948.

## PART 3

### STREETS

#### Street works

11.—(1) The undertaker may, for the purposes of the authorised development, or for purposes ancillary to it, enter upon so much of any of the streets specified in column (2) of Schedule 6 (streets subject to street works) as is within the Order limits and may without the consent of the street authority—

- (a) break up or open the street, or any sewer, drain or tunnel within or under it;
- (b) tunnel or bore under the street, or carry out any works to strengthen or repair the street;
- (c) remove or use all earth and materials in or under the street;
- (d) place and keep apparatus in the street (including signage);
- (e) maintain, renew or alter apparatus in or on the street or change its position;
- (f) execute any works to provide or improve sight lines required by the highway authority;
- (g) execute and maintain any works to provide hard and soft landscaping;
- (h) carry out re-lining and placement of new temporary markings; and
- (i) execute any works required for or incidental to any works referred to in sub-paragraphs (a) to (h).

(2) Without limiting the scope of the powers conferred by paragraph 1 but subject to the consent of the street authority, which consent must not be unreasonably withheld or delayed, the undertaker may, for the purposes of the authorised development, or for purposes ancillary to it, enter on so much of any other street whether or not within the Order limits, for the purposes set out at sub-paragraph 1(a) to (i) and paragraph 3 of article 12 (application of the 1990 Act) applies.

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

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

(5) The powers conferred in paragraphs (1) and (2) are without limitation of the powers of the undertaker under the 1989 Act<sup>(a)</sup>.

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

#### Application of the 1991 Act

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

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

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

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(a) 1989 c. 29.

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

- (a) section 53(a) (the street works register);
- (b) section 56(b) (power to give directions as to timing of street works);
- (c) section 56A(c) (power to give directions as to placing of apparatus);
- (d) section 57(d) (notice of emergency works);
- (e) section 58(e) (restrictions on works following substantial road works);
- (f) section 58A(f) (restriction on works following substantial street works);
- (g) section 73A(g) (power to require undertaker to re-surface street);
- (h) section 73B(h) (power to specify timing etc. of re-surfacing);
- (i) section 73C(i) (materials, workmanship and standard of re-surfacing);
- (j) section 78A(j) (contributions to costs of re-surfacing by undertaker); and
- (k) Schedule 3A(k) (restriction on works following substantial street works).

(4) The provisions of the 1991 Act mentioned in paragraph (5) (which, together with other provisions of that Act, apply in relation to the carrying out of street works) and any regulations made, or code of practice issued or approved, under those provisions apply (with necessary modifications) in relation to any stopping up, alteration or diversion of a street of a temporary nature by the undertaker under the powers conferred by article 14 (temporary stopping up of streets, cycle tracks and public rights of way) whether or not the stopping up, alteration or diversion constitutes street works within the meaning of that Act.

(5) The provisions of the 1991 Act referred to in paragraph (4) are—

- (a) section 54(l) (advance notice of certain works), subject to paragraph (6);
- (b) section 55(m) (notice of starting date of works), subject to paragraph (6);
- (c) section 57(n) (notice of emergency works);
- (d) section 59(o) (general duty of street authority to co-ordinate works);
- (e) section 60(p) (general duty of undertakers to co-operate);
- (f) section 68(q) (facilities to be afforded to street authority);
- (g) section 69(r) (works likely to affect other apparatus in the street);
- (h) section 71(s) (materials, workmanship and standard of reinstatement);
- (i) section 76(t) (liability for cost of temporary traffic regulation); and
- (j) section 77(u) (liability for cost of use of alternative route);

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- (a) Section 53 was added by section 45 of the Traffic Management Act 2004.
  - (b) Section 56 was amended by sections 40 and 43 of, and Schedule 1 to, the Traffic Management Act 2004.
  - (c) Section 56A was inserted by section 44 of the Traffic Management Act 2004.
  - (d) Section 57 was amended by section 52 of, and Schedule 1 to, the Traffic Management Act 2004.
  - (e) Section 58 was amended by sections 40 and 51 of, and Schedule 1 to, of the Traffic Management Act 2004.
  - (f) Section 58A was inserted by section 52 of the Traffic Management Act 2004.
  - (g) Section 73A was inserted by section 55 of the Traffic Management Act 2004.
  - (h) Section 73B was inserted by section 55 of the Traffic Management Act 2004.
  - (i) Section 73C was inserted by section 55 of the Traffic Management Act 2004.
  - (j) Section 78A was inserted by section 57 of the Traffic Management Act 2004.
  - (k) Schedule 3A was inserted by section 52(2) of, and Schedule 4 to, the Traffic Management Act 2004.
  - (l) Section 54 was amended by section 49(1) of the Traffic Management Act 2004
  - (m) Section 55 was amended by section 51 of, and schedule 1 to, the Traffic Management Act 2004 (c. 18).
  - (n) Section 57 was amended by section 52 of, and Schedule 1 to, the Traffic Management Act 2004.
  - (o) Section 59 was amended by section 42 of the Traffic Management Act 2004.
  - (p) Section 60 was amended by Schedule 1 to the Traffic Management Act 2004.
  - (q) Section 68 was amended by Schedule 1 to the Traffic Management Act 2004.
  - (r) Section 69 was amended by Schedule 1 to the Traffic Management Act 2004 (c. 18).
  - (s) Section 71 was amended by Schedule 1 to the Traffic Management Act 2004.
  - (t) 1991 c.18.
  - (u) 1991 c.18.

and all such other provisions as apply for the purposes of the provisions mentioned in subparagraphs (a) to (k).

(6) Sections 54 (advance notice of certain works) and 55 (notice of starting date of works) of the 1991 Act as applied by paragraph (4) have effect as if references in section 57 (notice of emergency works) of that Act to emergency works were a reference to a stopping up, alteration or diversion (as the case may be) required in a case of emergency.

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

**13.—**(1) The undertaker may, for the purposes of carrying out the authorised development:

- (a) permanently alter the layout of, or carry out any works in, a street specified in column (1) Part 1 of Schedule 7 (streets subject to permanent alteration of layout) in the manner specified in relation to that street in column (2); and
- (b) temporarily alter the layout of, or carry out any works in, a street specified in column (1) Part 2 of Schedule 7 (streets subject to temporary alteration of layout) in the manner specified in relation to that street in column (2).

(2) Without limitation on the specific powers conferred by paragraph (1), but subject to paragraph (4), the undertaker may, for the purposes of constructing and maintaining the authorised development, permanently or temporarily alter the layout of any street within or adjacent to the Order limits and the layout of any street having a junction with such a street; and, without limiting the scope of this paragraph, the undertaker may—

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

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

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

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

### **Temporary stopping up of streets, cycle tracks and public rights of way**

**14.—**(1) During and for the purposes of carrying out the authorised development, the undertaker may temporarily stop up, alter or divert any street, cycle track or public right of way shown on the access, rights of way and public rights of navigation plans or within the Order limits and may for any reasonable time—

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



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

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

(4) Without limitation on the scope of paragraph (1), the undertaker may temporarily stop up, alter or divert the streets, cycle tracks or public rights of way specified in column (2) of Parts 1 and 2 of Schedule 8 (streets, cycle tracks or public rights of way to be temporarily stopped up) to the extent specified, by reference to the letters and numbers shown on the access, rights of way and public rights of navigation plan, in column (3) of that Schedule, and, if it does so in respect of a street, cycle track or public right of way specified in Part 1 of Schedule 8, must provide the temporary diversion as specified in column (4) of that Part.

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

- (a) any street, cycle track or public right of way specified as mentioned in paragraph (4) without first consulting the street authority; and
- (b) any other street, cycle track or public right of way without the consent of the street authority which may attach reasonable conditions to any consent.

(6) Where the undertaker provides a temporary diversion under paragraph (4), the temporary alternative route is not required to be of a higher standard than the temporarily closed street, cycle track or public right of way in column (2) of Part 1 of Schedule 8 (streets, cycle tracks or public rights of way to be temporarily stopped up).

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

(8) 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 28 days beginning with the date on which the application was made, it is deemed to have granted consent.

### **Use of private roads for construction**

**15.**—(1) The undertaker may use any private road within the Order limits for the passage of persons or vehicles (with or without materials, plant and machinery) for the purposes of, or in connection with, the construction of the authorised development.

(2) The undertaker must compensate the person liable for the repair of a road to which paragraph (1) applies for any loss or damage which that person may suffer by reason of the exercise of the power conferred by paragraph (1).

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

### **Access to works**

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

- (a) form and lay out means of access, or improve existing means of access, in the location specified in column (2) of Schedule 9 (access to works); and
- (b) with the consent of the relevant planning authority (such consent not to be unreasonably withheld or delayed), after consultation with the relevant highway authority, form and lay out such other means of access or improve existing means of access, at such locations within the Order limits as the undertaker reasonably requires for the purposes of the authorised development.

(2) If a relevant planning authority which receives an application for consent under paragraph (1)(b) fails to notify the undertaker of its decision before the end of the period of 28 days beginning with the date on which the application was made, it is deemed to have granted consent.

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

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

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

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

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

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

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

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

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

## **Agreements with street authorities**

18.—(1) A street authority and the undertaker may enter into agreements with respect to—

- (a) the construction of any new street including any structure carrying the street over or under an electric line authorised by this Order;
- (b) the maintenance of the structure of any bridge or tunnel carrying a street over or under an electric line authorised by this Order;
- (c) any stopping up, alteration or diversion of a street authorised by this Order; or
- (d) the carrying out in the street of any of the works referred to in article 11 (street works); or
- (e) such other matters as the parties may agree.

(2) Such an agreement may, without limitation on the scope of paragraph (1)—

- (a) make provision for the street authority to carry out any function under this Order which relates to the street in question;
- (b) include an agreement between the undertaker and the street authority specifying a reasonable time for the completion of the works;
- (c) contain such terms as to payment and other matters as the parties consider appropriate; and
- (d) such other matters as the parties may agree.

## PART 4

### SUPPLEMENTAL POWERS

#### **Discharge of water**

**19.**—(1) Subject to paragraphs (3) and (4) 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 under paragraph (1) is to be determined as if it were a dispute under section 106 (right to communicate with public sewers) of the Water Industry Act 1991(a).

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

(4) The undertaker must not make any opening into any public sewer or drain except—

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

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

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

(7) Nothing in this article overrides the requirement for an environmental permit under regulation 12(1)(b) (requirement for an environmental permit) of the 2016 Regulations.

(8) This article does not permit any activity listed in paragraph 3(1) of Schedule 21 (water discharge activities) to the 2016 Regulations.

(9) 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 28 days of receiving an application that person will be deemed to have granted consent or given approval as the case may be.

(10) In this article—

- (a) “public sewer or drain” means a sewer or drain which belongs to Homes England, the Environment Agency, a harbour authority within the meaning of section 57 (interpretation) of the Harbours Act 1964(b), an internal drainage board, a joint planning

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(a) 1991 c. 56. Section 106 was amended by sections 35(1) and (8) and 43(2) of the Competition and Service (Utilities) Act 1992 (c. 43), sections 36(2) and 99 of the Water Act 2003 (c. 37) and section 49 of, and paragraph 16(1) of Schedule 3 to the Flood and Water Management Act 2010 (c.29).

board, a local authority, the highway 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 2016 Regulations have the same meaning as in those Regulations.

### **Protective work to buildings**

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

(2) Protective works may be carried out—

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

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

- (a) any land, building, structure, apparatus or equipment, falling within paragraph (1) and any land within its curtilage; and
- (b) where reasonably necessary, any land which is adjacent to the land, building, structure, apparatus or equipment, whether or not within Order limits,

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

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

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

(5) Before exercising—

- (a) a right under paragraph (1) to carry out protective works to land, building, structure, apparatus or equipment;
- (b) a right under paragraph (2) to enter land, building, structure, apparatus or equipment and land within its curtilage;
- (c) a right under paragraph (3)(a) to enter a building and land within its curtilage; or
- (d) a right under paragraph (3)(b) to enter land,

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

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

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(b) 1964 c. 40. Paragraph 9B was inserted into Schedule 2 by the Transport and Works Act 1992 (c. 42), section 63(1) and Schedule 3, paragraph 9(1) and (2), subject to transitional provisions specified in S.I. 1992/1347 art. 3.

or to enter the land, building, structure, apparatus, equipment or curtilage land to be referred to arbitration under article 53 (arbitration).

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

(8) Where—

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

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

(9) Without affecting article 31 (no double recovery), nothing in this article relieves the undertaker from any liability to pay compensation under section 152(a) of the 2008 Act (compensation in case where no right to claim in nuisance).

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

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

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

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

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

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

- (a) survey, monitor or investigate the land; (including any watercourses, groundwater, static water bodies or vegetation on the land);
- (b) without prejudice to the generality of sub-paragraph (a), survey, monitor or investigate the land and any buildings on that land for the purpose of investigating the potential effects of the authorised development on that land or buildings on that land or for enabling the construction, use and maintenance of the authorised development;
- (c) without limitation on the scope of sub-paragraph (a), make trial holes, boreholes, excavations or take horizontal cores in such positions on the land as the undertaker thinks fit to investigate the nature of the surface layer, subsoil, groundwater and other materials

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(a) As amended by Schedule 1, paragraph 293 of S.I. 2009/1307.

(b) As amended by sections 62(3) and 139(4)-(9) of, paragraphs 27 and 28 of Schedule 13 and Part 3 of Schedule 223 to, the Tribunals, Courts and Enforcement Act 2007 (c. 15).

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

below ground level or remove soil, rock, water or other material samples and discharge water from sampling operations on to the land;

- (d) without limitation on the scope of sub-paragraph (a), carry out ecological or archaeological investigations and monitoring on the land, including making any excavations or trial holes on the land for such purposes; and
- (e) place on, leave on and remove from the land apparatus (including but not limited to welfare facilities and security facilities) for use in connection with the survey, monitoring or investigation of land, making of trial holes, boreholes, excavations, cores, or the carrying out of ecological or archaeological investigations or monitoring.

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

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

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

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

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

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

- (a) on land located within the highway boundary without the consent of the relevant highway authority; or
- (b) in a private street without the consent of the street authority;
- (c) but such consent must not be unreasonably withheld or delayed.

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

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

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

- (a) under sub-paragraph (5)(a) in the case of a highway authority; or
- (b) under sub-paragraph (5)(b) in the case of a street authority,
- (c) that authority is deemed to have granted consent.

(9) 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).

## PART 5

### POWERS OF ACQUISITION

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

**22.**—(1) National Grid may acquire compulsorily so much of the Order land as is required for the authorised development, or to facilitate it, or is incidental to it.

(2) This article is subject to article 23 (compulsory acquisition of land – incorporation of the mineral code), article 24 (time limit for exercise of authority to acquire land and rights compulsorily), paragraph (3) of article 25 (compulsory acquisition of rights), articles 36 (temporary use of land by National Grid), 37 (temporary use of land by NPG) and 38 (temporary use of land by NGN).

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

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

- (a) paragraph 8(3) is not incorporated;
- (b) for “the acquiring authority” substitute “the undertaker”; and
- (c) for “undertaking” substitute “authorised development”.

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

**24.**—(1) After the end of the period of 5 years beginning on the day on which this Order is made (and subject to article 32 (Modification of Part 1 of the 1965 Act) and article 33 (Application of the 1981 Act))—

- (a) no notice to treat may be served under Part 1 of the 1965 Act (which makes provision for compulsory purchase under the Acquisition of Land Act 1981); and
- (b) no declaration may be executed under section 4 (execution of declaration) of the 1981 Act as applied by article 33 (application of the 1981 Act).

(2) The authority conferred by articles 36 (temporary use of land by National Grid), 37 (temporary use of land by NPG) and 38 (temporary use of land by NGN) ceases at the end of the period referred to in paragraph (1), except that nothing in this paragraph prevents the undertaker, NPG or NGN from 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.

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

**25.**—(1) Subject to the provisions of this article the undertaker may acquire compulsorily the rights, and impose the restrictions, over the Order land, described in the book of reference and detailed in Schedule 13 (land in which only new rights and restrictive covenants etc, may be acquired), by creating them as well as by acquiring rights and the benefits of restrictions already in existence.

(2) This article is subject to articles 36 (temporary use of land by National Grid), 37 (temporary use of land by NPG) and 38 (temporary use of land by NGN).

(3) Subject to section 8 of the 1965 Act (other provisions as to divided land) as substituted by paragraph 5 of Schedule 10 to this Order (modification of compensation and compulsory purchase enactments for creation of new rights), where the undertaker acquires a right over land or imposes a restriction under paragraph (1) the undertaker is not required to acquire a greater interest in that land.

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(a) 1981 c.67. Schedule 2 was amended by Schedule 1 of S.I. 2009/1307.

(4) Schedule 10 to this Order has effect for the purpose of modifying the enactments relating to compensation and the provisions of the 1965 Act in their application in relation to the compulsory acquisition under this article of a right over land by the creation of a new right or the imposition of a restriction.

(5) In any case where the acquisition of rights or the imposition of a restriction under paragraph (1) is required for the purpose of diverting, replacing or protecting apparatus of a statutory undertaker, the undertaker may, with the consent of the Secretary of State, transfer the power to acquire such rights or impose such restrictions to the relevant statutory undertaker other than in respect of the NGN Works or the NPG Works where no such consent is required.

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

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

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

**26.**—(1) Subject to the provisions of this article, all private rights or restrictive covenants over land subject to compulsory acquisition or the compulsory acquisition of rights or the imposition of restrictions under the Order (including those shown on the extinguishment of easements, servitudes and other private rights plan) shall be extinguished or suspended in so far as their continuance would be inconsistent with the exercise of the right acquired or the burden of the restriction imposed—

- (a) as from the date of the acquisition of the land or of the right or the benefit of the restriction by the undertaker, whether compulsorily or by agreement; or
- (b) on the date of entry on the land by the undertaker under section 11(1) of the 1965 Act in pursuance of the right; or
- (c) on commencement of any activity authorised by the Order which interferes with or breaches those rights,

whichever is the earliest.

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

(3) Subject to the provisions of this article and article 27 (Extinguishment of private rights and restrictive covenants relating to apparatus removed from land subject to temporary possession), all private rights or restrictive covenants over land of which the undertaker takes temporary possession under this Order are suspended and unenforceable for as long as the undertaker remains in lawful possession of the land and in so far as their continuation would be inconsistent with the exercise of the powers under this Order or a breach of a restriction as to the user of land arising by virtue of a contract.

(4) Any person who suffers loss by the extinguishment or suspension of any private right or restrictive covenant under this article is entitled to compensation in accordance with the terms of section 152 of the 2008 Act (compensation in case where no right to claim in nuisance) to be determined, in case of dispute, as if it were a 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 40 (statutory undertakers) applies.

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

- (a) any notice given by the undertaker before—
  - (i) the completion of the acquisition of the rights or the imposition of restrictive covenants over or affecting the land;



- (ii) the undertaker’s appropriation of it;
  - (iii) the undertaker’s entry onto it; or
  - (iv) the undertaker’s taking temporary possession of it,
- that any or all of those paragraphs do not apply to any right specified in the notice; and
- (b) any agreement made, in so far as it relates to the authorised development, at any time between the undertaker and the person in or to whom the right or restrictive covenant in question is vested, belongs or benefits.
- (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 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) A reference in this article to private rights and restrictive covenants over land includes any trust, incident, easement, wayleave, liberty, privilege, right or advantage annexed to land (including any land forming part of a common, open space or fuel or field garden allotment) and adversely affecting other land, including any natural right to support and including restrictions as to the user of land arising by virtue of a contract.

**Extinguishment of private rights and restrictive covenants relating to apparatus removed from land subject to temporary possession**

27.—(1) This article applies to any Order land specified in Part 1 (National Grid), Part 2 (NPG) and Part 3 (NGN) of Schedule 11 (extinguishment of private rights and restrictive covenants relating to apparatus removed from land subject to temporary possession) and any other Order land of which National Grid takes temporary possession under article 36 (temporary use of land by National Grid) or NPG takes temporary possession under article 37 (temporary use of land by NPG) or NGN takes temporary possession under article 38 (temporary use of land by NGN).

(2) All private rights or restrictive covenants in relation to apparatus belonging to National Grid, NPG or NGN removed from any land to which this article applies are extinguished from the date on which National Grid, NPG or NGN give up temporary possession of that land under articles 36(5) and 36(6), or 37(5) and 37(6), or 38(5) and 38(6), as the case may be.

(3) The extinguishment of rights by paragraph (2) does not give rise to any cause of action relating to the presence on or in the land of any foundations (save for those which lie less than 1.5 metres underground) referred to in articles 36(5)(c) and 36(6)(c), or 37(5)(c) and 37(6)(c), or 38(5)(c) and 38(6)(c) (National Grid, NPG and NGN not required to remove foundations when giving up temporary possession).

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

**Power to override easements and other rights**

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

- (a) an interference with an interest or right to which this article applies; or
  - (b) a breach of a restriction as to the user of land arising by virtue of a contract.
- (2) In this article “authorised activity” means—
- (a) the erection, construction or maintenance of any part of the authorised development;
  - (b) the exercise of any power authorised by this Order; or
  - (c) the use of any land (including the temporary use of land).

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

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

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

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

- (a) is liable to pay compensation by virtue of paragraph (5); and
- (b) fails to discharge that liability,
- (c) the liability is enforceable against the undertaker in accordance with section 204(3) of the 2016 Act.

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

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

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

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

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

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

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

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

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

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

(2) In assessing the compensation payable to any person in respect of the acquisition from that person of any new rights over land (including the subsoil) under article 25 (compulsory acquisition of rights), the tribunal must set off against the value of the rights so acquired—

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

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

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

### **No double recovery**

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

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

**32.—(1)**—Part 1 of the 1965 Act, as applied to this Order by section 125(a)(application of compulsory acquisition provisions) of the 2008 Act, is modified as follows.

(2) In section 4A(1)(b) (extension of time limit during challenge) for “section 23 of the Acquisition of Land Act 1981 (application to High Court in respect of compulsory purchase order), the three year period mentioned in section 4” substitute “section 118 of the Planning Act 2008 (legal challenges relating to applications for orders granting development consent)(c), the five year period mentioned in article 24 (time limit for exercise of authority to acquire land and rights compulsorily) of the National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order [XX]”.

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

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

(4) In section 22(2) (expiry of time limit for exercise of compulsory purchase power not to affect acquisition of interests omitted from purchase), for “section 4 of this Act” substitute “article 24 (time limit for exercise of authority to acquire land and rights compulsorily) of the National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order [XX]”.

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

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

“(2) But see article 34 (acquisition of subsoil or airspace only) on the National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order [XX], which excludes the acquisition of subsoil or airspace only from this schedule”; and

(b) after paragraph 29, end insert—

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(a) Section 125 was amended by section 190 of, and paragraph 17, Schedule 16 of the Housing and Planning Act 2016 (c. 22).  
(b) Section 4A(1) was inserted by Part 7, section 202(1) of the Housing and Planning Act 2016 (c. 22), subject to the transitional provisions specified in S.I. 2016/733 reg. 9.  
(c) Section 118 was amended by paragraphs 1 and 59 of Schedule 13, and Part 20 of Schedule 25 to, the Localism Act 2011 (c. 20) and section 92(4) of the Criminal Justice and Courts Act 2015 (c. 2).  
(d) Section 11A was inserted by section 186(3) of the Housing and Planning Act 2016 (c. 22).  
(e) Schedule 2A was inserted by section 199(1) of, and paragraphs 1 and 3 of Schedule 17 to, the Housing and Planning Act 2016 (c. 22), subject to the transitional provisions specified in S.I. 2017/75 reg. 5..

## “PART 4

### INTERPRETATION

**30.** In this Schedule, references to entering on and taking possession of land do not include doing so under articles 20 (protective works to buildings), articles 36 (temporary use of land by National Grid), 37 (temporary use of land by NPG) and 38 (temporary use of land by NGN) or 39 (temporary use of land for maintaining the authorised development) of the National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order [XX].”

#### **Application of the 1981 Act**

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

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

(3) In section 1 (application of Act) for subsection (2) substitute—

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

(4) In section 5 (earliest date for execution of declaration), subsection (2) is omitted.

(5) Section 5A is omitted(a).

(6) References to the 1965 Act in the 1981 Act must be construed as references to the 1965 Act as applied by section 125 of the 2008 Act (application of compulsory acquisition provisions) to the compulsory acquisition of land under this Order.

(7) In section 5B(1)(b) (extension of time limit during challenge) for “section 23 of the Acquisition of Land Act 1981 (application to High Court in respect of compulsory purchase order), the three year period mentioned in section 5A” substitute “section 118(f) (legal challenges relating to applications for orders granting development consent) of the Planning Act 2008, the five year period mentioned in article 24 (time limit for exercise of authority to acquire land and rights compulsorily) of the National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order [XX]”.

(8) In section 6(c) (notices after execution of declaration), in subsection (1)(b), for “section 15 of, or paragraph 6 of Schedule 1 to, the Acquisition of Land Act 1981” substitute “section 134 (notice of authorisation of compulsory acquisition) of the Planning Act 2008”.

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

(10) In Schedule A1(e) (counter-notice requiring purchase of land not in general vesting declaration) for paragraph 1(2) substitute—

“(2) But see article 34(3) (acquisition of subsoil or airspace only) of the A428 Black Cat to Caxton Gibbet Development Consent Order 2022, which excludes the acquisition of subsoil or airspace only from this Schedule.”

(11) References to the 1965 Act in the 1981 Act are to be construed as references to the 1965 Act as applied by section 125(f) (application of compulsory acquisition provisions) of the 2008 Act (and as modified by article 32 (modification of Part 1 of the 1965 Act)) to the compulsory acquisition of land under this Order.

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(a) Section 5A to the 1981 Act was inserted by section 182(2) of the Housing and Planning Act 2016 (c.22).

(b) Section 5B was inserted by section 202(2) of the Housing and Planning Act 2016 (c. 22).

(c) Section 6 was amended by section 4 of, and paragraph 52(2) of Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c. 11) and paragraph 7 of Schedule 15 to the Housing and Planning Act 2016 (c. 22).

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

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

(f) Section 125 was amended by section 216(3) of, and paragraph 17 of Schedule 16 to, the Housing and Planning Act 2016 (c. 22).

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

**34.**—(1) The undertaker may compulsorily acquire so much of, or such rights, and impose such restrictions, in the subsoil of, or the air-space of, the land referred to in article 25 (compulsory acquisition of rights) and article 22 (compulsory acquisition of land) as may be required for any purpose for which that land may be acquired or for which rights over or under the land may be acquired under those provisions instead of acquiring the rights or imposing restrictions over the whole of the land.

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

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

- (a) Schedule 2A (counter-notice requiring purchase of land not in notice to treat) to the 1965 Act (as modified by article 32 (modification of Part 1 of the 1965 Act));
- (b) Schedule A1 (counter-notice requiring purchase of land not in general vesting declaration) to the 1981 Act; and
- (c) section 153(4A)(c) (blighted land: proposed acquisition of part interest; material detriment test) of the Town and Country Planning Act 1990.

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

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

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

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

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

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

(5) Compensation is not payable under paragraph (3) to any person who is a statutory undertaker to whom section 85 (sharing of cost of necessary measures) of the 1991 Act(b) applies in respect of measures of which the allowable costs are to be borne in accordance with that section.

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

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

(a) enter on and take temporary possession of—

- (i) so much of the land specified in column (1) of Part 1 of Schedule 12 (land of which temporary possession may be taken) to exercise the powers described in the book of reference and for the purpose specified in relation to that land in column (2) of Part 1

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(a) Part 1 was amended by S.I. 1994/2716, 1998 (c. 38), S.I. 1999/481, S.I. 2009/1307, S.I. 2010/490, S.I. 2017/1012 and 2016 (c. 9).

(b) There are no amendments relevant to section 85 of the act.

of that Schedule relating to the part of the authorised development specified in column (3) of Part 1 of that Schedule; and

- (ii) any other Order land in respect of which no notice of entry has been served under section 11 of the 1965 Act (other than in connection with the acquisition of rights only) and no declaration has been made under section 4 of the 1981 Act;
- (b) remove any electric line, electrical plant, buildings, archaeological artefact, structures, pylons, apparatus and vegetation from that land;
- (c) construct temporary works (including the provision of means of access) and buildings on that land; and
- (d) construct any works specified in relation to that land in column (2) of Part 1 of Schedule 12, or any other mitigation works.

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

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

- (a) in the case of land referred to in paragraph 1(a)(i), after the end of the period of one year beginning with the date of completion of the part of the authorised development specified in relation to that land in column (3) of Part 1 of Schedule 12, or
- (b) in the case of land referred to in paragraph 1(a)(ii), after the end of the period of one year beginning with the date of completion of the work for which temporary possession of the land was taken unless National Grid has, by the end of that period, served a notice of entry under section 11 of the 1965 Act or made a declaration under section 4 of the 1981 Act in relation to that land.

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

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

- (a) replace a building, structure, apparatus, equipment, archaeological artefact, electric line, electrical plant or pylon removed under this article;
- (b) restore the land on which any works have been carried out under paragraph (1)(d) insofar as the element of works shown in column (4) of Part 1 of Schedule 12 is concerned;
- (c) remove any foundations to a depth greater than 1.5 metres below adjoining ground level which had been placed in that land to support pylons and electric lines constructed upon those foundations; or
- (d) remove any pylons or electric lines or underground cables constructed or installed on, over, under, or in that land as part of the authorised development.

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

- (a) replace a building, structure, apparatus, equipment, archaeological artefact, electric line, electrical plant or pylon removed under this article;
- (b) restore the land on which any works have been carried out under paragraph (1)(d) insofar as the element of works shown in column (4) of Part 1 of Schedule 12 is concerned;

- (c) remove any foundations to a depth greater than 1.5 metres below adjoining ground level which had been placed in that land to support pylons and electric lines constructed upon those foundations; or
- (d) remove any pylons or electric lines or underground cables constructed or installed on, over, under, or in that land as part of the authorised development.

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

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

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

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

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

(12) Nothing in this article prevents National Grid from taking temporary possession more than once in relation to any land specified in Part 1 of Schedule 12.

### **Temporary use of land by NPG**

**37.—**(1) NPG may, in connection with the carrying out of the NPG works—

- (a) enter on and take temporary possession of—
  - (i) so much of the land specified in column (1) of Part 2 of Schedule 12 (land of which temporary possession may be taken) to exercise the powers described in the book of reference and for the purpose specified in relation to that land in column (2) of Part 2 of that Schedule relating to the part of the authorised development specified in column (3) of Part 2 of that Schedule; and
  - (ii) any other Order land in respect of the NPG works in respect of which no notice of entry has been served under section 11 of the 1965 Act (other than in connection with the acquisition of rights only) and no declaration has been made under section 4 of the 1981 Act;
- (b) remove any electric lines, electrical plant, buildings, archaeological artefact, structures, pylons, apparatus and vegetation from that land;
- (c) construct temporary works (including the provision of means of access) and buildings on that land; and
- (d) construct any works specified in relation to that land in column (2) of Part 2 of Schedule 12, or any other mitigation works.

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

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

- (a) in the case of land referred to in paragraph 1(a)(i), after the end of the period of one year beginning with the date of completion of the part of the authorised development specified in relation to that land in column (3) of Part 2 of Schedule 12, or
- (b) in the case of land referred to in paragraph 1(a)(ii), after the end of the period of one year beginning with the date of completion of the work for which temporary possession of the land was taken unless the undertaker has, by the end of that period, served a notice of

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

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

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

- (a) replace a building, structure, archaeological artefact, electric line, electrical plant or pylon removed under this article;
- (b) remove any pylons, electric lines or underground cables constructed or installed on, over, under or in that land as part of the NPG works;
- (c) remove any foundations to a depth greater than 1.5 metres below adjoining ground level which had been placed in that land to support pylons and electric lines constructed upon those foundations;
- (d) remove any pylons or electric lines or underground cables constructed or installed on, over, under or in that land as part of the NPG Works or
- (e) restore the land on which any works have been carried out under paragraph 1(d) insofar as the element of works shown in column (4) of Part 2 of Schedule 12 is concerned.

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

- (a) replace a building, structure, archaeological artefact, electric line, electrical plant or pylon removed under this article;
- (b) remove any pylons, electric lines or underground cables constructed or installed on, over, under or in that land as part of the NPG works;
- (c) remove any foundations to a depth greater than 1.5 metres below adjoining ground level which had been placed in that land to support pylons and electric lines constructed upon those foundations; or
- (d) restore the land on which any works have been carried out under paragraph 1(d) insofar as the element of works shown in column (4) of Part 2 of Schedule 12 is concerned.

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

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

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

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

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

(12) Nothing in this article prevents—

- (a) NPG from taking temporary possession more than once in relation to any land specified in Part 2 of Schedule 12; or



- (b) National Grid from taking temporary possession more than once in relation to any land specified in Schedule 12.

### **Temporary use of land by NGN**

**38.**—(1) NGN may, in connection with the carrying out of the NGN works—

- (a) enter on and take temporary possession of—
  - (i) so much of the land specified in column (1) of Schedule 12 (land of which temporary possession may be taken) to exercise the powers described in the book of reference and for the purpose specified in relation to that land in column (2) of Part 2 of that Schedule relating to the part of the authorised development specified in column (3) of Part 2 of that Schedule; and
  - (ii) any other Order land in respect of the NGN works in respect of which no notice of entry has been served under section 11 of the 1965 Act (other than in connection with the acquisition of rights only) and no declaration has been made under section 4 of the 1981 Act;
- (b) remove any electric lines, plant, buildings, structures, pylons, archaeological artefact, apparatus, equipment and vegetation from that land;
- (c) construct temporary works (including the provision of means of access) and buildings on that land; and
- (d) construct any works specified in relation to that land in column (2) of Part 2 of Schedule 12, or any other mitigation works.

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

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

- (a) in the case of land referred to in paragraph 1(a)(i), after the end of the period of one year beginning with the date of completion of the part of the authorised development specified in relation to that land in column (3) of Part 2 of Schedule 12, or
- (b) in the case of land referred to in paragraph 1(a)(ii), after the end of the period of one year beginning with the date of completion of the work for which temporary possession of the land was taken unless the undertaker has, by the end of that period, served a notice of entry under section 11 of the 1965 Act or made a declaration under section 4 of the 1981 Act in relation to that land.

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

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

- (a) replace a building, structure, archaeological artefact, electric line, apparatus, equipment, plant or pylon removed under this article;
- (b) remove any pylons, electric lines or underground cables constructed or installed on, over, under or in that land as part of the NGN works;
- (c) remove any foundations to a depth greater than 1.5 metres below adjoining ground level; or
- (d) restore the land on which any works have been carried out under paragraph 1(d) insofar as the element of works shown in column (4) of Part 2 of Schedule 12 is concerned.

(6) Before giving up possession of land of which temporary possession has been taken under paragraph (1)(a)(ii), unless otherwise agreed by the owners of the land, NGN must either acquire the interest on, over, or in the land in accordance with the provisions of paragraph (3)(b) or

remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land; but NGN is not required to—

- (a) replace a building, structure, archaeological artefact, electric line, apparatus, equipment, plant or pylon removed under this article;
- (b) remove any pylons, electric lines or underground cables constructed or installed on, over, under or in that land as part of the NGN works;
- (c) remove any foundations to a depth greater than 1.5 metres below adjoining ground level; or
- (d) restore the land on which any works have been carried out under paragraph 1(d) insofar as the element of works shown in column (4) of Part 2 of Schedule 12 is concerned.

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

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

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

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

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

(12) Nothing in this article prevents NGN from taking temporary possession more than once in relation to any land specified in Part 3 of Schedule 12; or

(13) National Grid from taking temporary possession more than once in relation to any land specified in Schedule 12.

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

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

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

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

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

(3) Not less than 28 days before entering upon and taking temporary possession of land under this article the undertaker must serve notice of the intended entry on the owners and occupiers of the land.

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

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

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

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

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

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

(10) Section 13 of the 1965 Act (refusal to give possession to 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 periods" in relation to any part of the authorised development means the period of five years beginning with the date on which that part of the authorised development is brought into operational use, except where the authorised development is mitigation planting where "the maintenance periods" means the period of five years beginning with the date on which that part of the mitigation planting is completed.

### **Statutory undertakers**

**40.**—(1) Subject to the provisions of article 25 (compulsory acquisition of rights), Schedule 15 (protective provisions) and paragraph (2), the undertaker may—

- (a) acquire compulsorily, or acquire new rights or impose restrictive covenants over, any Order land belonging to statutory undertakers; and
- (b) extinguish the rights of, or remove or reposition the apparatus belonging to, statutory undertakers over or within the Order land.

(2) Paragraph (1)(b) has no effect in relation to apparatus in respect of which Part 3 (street works in England and Wales) of the 1991 Act<sup>(a)</sup> applies.

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

**41.**—(1) Where any apparatus of a public utility undertaker or of a public communications provider is removed under article 40 (statutory undertakers) any person who is the owner or occupier of premises to which a supply was given from that apparatus is entitled to recover from the undertaker compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of effecting a connection between the premises and any other apparatus from which a supply is given.

(2) Paragraph (1) does not apply in the case of the removal of a public sewer but where such a sewer is removed under article 39 (temporary use of land for maintaining the authorised development), any person who is—

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

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(a) 1991 c.22. Part 3 was amended by 2004 (c. 18) perspective changes to Part 3 are still to come into force, S.I. 2007/1952, S.I. 2008/102 (w. 55) and 2003 (c. 21).

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

(4) In this paragraph—

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

“public utility undertaker” means a gas, water, electricity or sewerage undertaker.

## PART 6

### MISCELLANEOUS AND GENERAL

#### Application of landlord and tenant law

42.—(1) This article applies to—

- (a) any agreement for leasing to any person the whole or any part of the authorised development or the right to operate the same; and
- (b) any agreement entered into by the undertaker with any person for the construction, maintenance, use or operation of the authorised development, or any part of it, so far as any such agreement relates to the terms on which any land which is the subject of a lease granted by or under that agreement is to be provided for that person’s use.

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

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

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

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

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

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

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(a) Section 151 was implemented by Article 1, Section 2 and Schedule 1 of S.I. 2003/1900, Article 3 of S.I. 2003/3142; as amended by Schedule 1 of S.I. 2011/1210. There are other amendments to section 151 which are not relevant to this Order.

(b) 1990 c. 43. There are amendments to this sub-section which are not relevant to this Order.

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 section 65 (noise exceeding registered level), of the Control of Pollution Act 1974(a); or

- (ii) relates to premises used by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised development and that the nuisance is attributable to the carrying out of the authorised development in accordance with the controls and measures relating to noise as described in the code of construction practice or the construction management plans or in accordance with the noise levels set out in an environmental permit relating to the construction, maintenance or operation of the authorised development; or
  - (iii) is a consequence of the construction or maintenance of the authorised development and that it cannot reasonably be avoided; or
  - (iv) is a consequence of complying with a requirement of this Order and that it cannot reasonably be avoided; or
- (b) the defendant shows that the nuisance—
- (i) relates to premises used by the undertaker for the purposes of or in connection with the use of the authorised development and that the nuisance is attributable to the use of the authorised development which is being used in accordance with the noise and vibration management plan prepared under requirement 5 of Schedule 3 (requirements) to this Order; or
  - (ii) is a consequence of the use of the authorised development and that it cannot reasonably be avoided.

(2) For the purposes of paragraph (1) above, compliance with the controls and measures relating to noise described in the code of construction practice and the noise and vibration management plan will be sufficient, but not necessary, to show that an alleged nuisance could not reasonably be avoided.

(3) Where a relevant planning authority is acting in accordance with section 60(4) (control of noise on construction sites) and section 61(4) (prior consent for work on construction sites) of the Control of Pollution Act 1974 in relation to the construction of the authorised development then the local authority must also have regard to the controls and measures relating to noise referred to in the code of construction practice and the construction management plans.

(4) Section 61(9) (prior consent for work on construction sites) of the Control of Pollution Act 1974 does not apply where the consent relates to the use of premises by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised development.

### **Maintenance of drainage works**

44.—(1) Nothing in this Order, or the construction, maintenance or operation of the authorised development under it, affects any responsibility for the maintenance of any works connected with the drainage of land, whether that responsibility is imposed or allocated by or under any enactment, or otherwise agreed in writing between the undertaker and the person responsible.

(2) In this article “drainage” has the same meaning as in section 72 (interpretation) of the Land Drainage Act 1991(b).

### **Traffic regulation**

45.—(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 at any time, for the purposes of the

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(a) 1974 c. 40. Section 61 was amended by section 162(1) of, and paragraph 15(3) of Schedule 15 to, the Environmental Protection Act 1990 (c. 43). There are other amendments to section 61 but none are relevant to this Order.

(b) 1991 c. 59, definition substituted by Part V, section 100(2) of the Environment Act 1995 (c. 25).

construction of the authorised development or for purposes ancillary to it prohibit vehicular access and prohibit waiting of vehicles in the manner specified in Part 1 of Schedule 14 (traffic regulation) on those roads specified in column 1 and along the lengths and between the points specified in column 2 in the manner specified in column 3 of that Part of that Schedule.

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

- (a) revoke, amend or suspend in whole or in part any order made, or having effect as if made, under the 1984 Act;
- (b) permit, prohibit or restrict the stopping, parking, waiting, loading or unloading of vehicles on any road;
- (c) authorise the use as a parking place of any road;
- (d) make provision as to the maximum speed, direction or priority of vehicular traffic on any road; and
- (e) permit or prohibit vehicular access to any road, either at all times or at times, on days or during such periods as may be specified by the undertaker.

(3) The undertaker must not exercise the powers in paragraphs (1) and (2) unless it has—

- (a) given not less than 28 days' notice in writing of its intention so to do to the chief officer of police and to the traffic authority in whose area the road is situated; and
- (b) advertised its intention in such manner as the traffic authority may specify in writing within 7 days of its receipt of notice of the undertaker's intention as provided for in subparagraph (a).

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

- (a) has effect as if duly made by—
  - (i) the traffic authority in whose area the road is situated as a traffic regulation order under the 1984 Act; or
  - (ii) the local authority in whose area the road is situated as an order under section 32 (power of local authorities to provide parking places) of the 1984 Act, and the instrument by which it is effected may specify savings and exemptions (in addition to those mentioned in Schedule 14 (traffic regulation)) to which the prohibition, restriction or other provision is subject; and
- (b) is deemed to be a traffic order for the purposes of Schedule 7 (road traffic contraventions subject to civil enforcement) to the Traffic Management Act 2004(a).

(5) Any prohibition, restriction or other provision made under this article may be suspended, varied or revoked by the undertaker from time to time by subsequent exercise of the powers conferred by paragraphs (1) and (2) at any time prior to the part of the authorised development to which it relates being brought into operational use.

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

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

(8) If the traffic authority fails to notify the undertaker of its decision within 28 days of receiving an application for consent under paragraphs (1) and (2) the traffic authority is deemed to have granted consent.

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(a) 2004 c. 18.

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

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

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

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

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

(4) Development consent granted by this Order is to be treated as planning permission pursuant to Part 3 of the 1990 Act for the purposes of regulation 14 (exceptions) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012(a).

(5) The undertaker may not pursuant to paragraph (1) fell or lop a tree within or overhanging the extent of the public highway without the consent of the relevant highway authority.

(6) If the relevant highway authority fails to notify the undertaker of its decision within 28 days of receiving an application for consent under paragraph (5) the relevant highway authority is deemed to have granted consent.

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

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

## **Protection of interests**

**47.** Schedule 15 (protective provisions) has effect.

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

**48.**—(1) National Grid must, as soon as practicable after the making of this Order, submit to the Secretary of State copies of—

- (a) the access, rights of way and public rights of navigation plan (Document 2.7.1 – 2.7.6);
- (b) the arboricultural impact assessment (Document 5.3.3I);
- (c) the book of reference (Document 4.3);
- (d) the code of construction practice (Document 5.3.3B);
- (e) the archaeological written scheme of investigation (Document 5.3.3C);
- (f) the biodiversity mitigation strategy (Document 5.3.3D);
- (g) the construction traffic management plan (Document 5.3.3F);
- (h) the public rights of way management plan (Document 5.3.3G);
- (i) the noise and vibration management plan (Document 5.3.3H);
- (j) the outline landscape mitigation strategy (Figure 3.10 – 3.12, Document 5.4.3);

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(a) S.I. 2012/605.

(b) S.I. 1997/1160.

- (k) the outline soil management plan (Document 5.3.3E);
- (l) the design drawings (Document 2.15);
- (m) the land plan (Document 2.5.1–2.5.6);
- (n) the extinguishment of easements, servitudes and other private rights plan (Document 2.14);
- (o) the traffic regulation order plan (Document 2.12.1–2.12.6); and
- (p) the works plan (Document 2.6.1–2.6.6),

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

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

### **Service of notices**

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

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

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

(3) For the purposes of section 7 (references to service by post) 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 a body corporate, the registered or principal office of that body; and
- (b) in any other case, the last known address of that person at the time of service.

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

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

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

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

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(a) 1978 c. 30.



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

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

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

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

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

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

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

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

(2) Schedule 4 (discharge of requirements) has effect in relation to all consents, agreements or approvals granted, refused or withheld under Schedule 3 (requirements), and any document referred to in Schedule 3 (requirements).

(3) The procedure set out in paragraphs (1) to (5) of Schedule 4 (discharge of requirements) has effect in relation to any other consent, agreement or approval required under this Order where such consent, agreement or approval is granted subject to any condition to which the undertaker objects, or is refused or is withheld.

#### **Removal of human remains**

**51.**—(1) In this article, “the specified land” means any land within the Order limits.

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

(3) Subject to paragraph (12), before any such remains are removed the undertaker must give notice of the intended removal describing the specified land and stating the general effect of the following provisions of this article by—

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

(4) As soon as reasonably practicable after the first publication of a notice under paragraph (2) the undertaker must send a copy of the notice to the relevant planning authority.

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

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

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

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

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

(8) The undertaker must pay the reasonable expenses of removing and re-interring or cremating the remains of any deceased person under this article.

(9) If—

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

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

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

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

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

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

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

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

- (a) may remove the remains;
- (b) must apply for direction from the Secretary of State under paragraph (14) as to their subsequent treatment; and

(c) must deal with the remains in such manner, and subject to such conditions, as the Secretary of State directs.

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

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

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

(17) Section 239 (use and development of burial grounds) of the 1990 Act applies—

(a) in relation to land, other than a right over land, acquired for the purposes of the authorised development (whether or not by agreement), so as to permit use by the undertaker in accordance with the provisions of this Order; and

(b) in relation to a right over land so acquired (whether or not by agreement), or the temporary use of land pursuant to articles 36 (temporary use of land by National Grid), 37 (temporary use of land by NPG) and 38 (temporary use of land by NGN) or 39 (temporary use of land for maintaining the authorised development), so as to permit the exercise of that right or the temporary use by the undertaker in accordance with the provisions of this Order,

(c) and in section 240(1) (provisions supplemental to sections 238 and 239) of the 1990 Act reference to “regulations made for the purposes of sections 238(3) and (4) and 239(2)” means, so far as applicable to land or a right over land acquired under this Order, paragraphs (2) to (15) of this article and in section 240(3) (provisions supplemental to sections 238 and 239) of the 1990 Act reference to a “statutory undertaker” includes the undertaker and reference to “any other enactment” includes this Order.

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

### **Amendment of local legislation**

**52.**—(1) The local enactments specified in Part 1 of Schedule 16 (amendment of local legislation), and any byelaws or other provisions made under any of those enactments, and the local byelaws specified in Part 2 of that Schedule are hereby excluded and do not apply insofar as inconsistent with a provision, of or a power conferred by, this Order.

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

(a) it would make it an offence to take action, or not to take action, in pursuance of a power conferred by this Order;

(b) action taken in pursuance of a power conferred by this Order would cause the provision to apply so as to enable a person to require the taking of remedial or other action or so as to enable remedial or other action to be taken;

action taken in pursuance of a power or duty under the provisions would or might interfere with the exercise of any work authorised by this Order.

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

(a) whether the undertaker agrees that the action taken or proposed does or would contravene the provision of local application;

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(a) 1857 c. 81. Section 25 was substituted by section 2 of the Church of England (Miscellaneous Provisions) Measure 2014 (No. 1).

(b) S.I. 1950/792.

- (b) if the undertaker does agree, the grounds (if any) on which the undertaker believes that the provision is excluded by this article; and
- (c) the extent of that exclusion.

### **Arbitration**

**53.** Subject to article 50 (procedure regarding certain approvals, etc.) and except where otherwise expressly provided for in this Order or unless otherwise agreed between the parties, any difference under any provision of this Order must be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after giving notice in writing to the other) by the Secretary of State.

### **Temporary closure of, and works in, the river Ouse**

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

(2) Without limitation on the powers conferred by paragraph (1) but subject to paragraph (4) the undertaker may, in connection with the construction and maintenance of the authorised development on grounds of health and safety only, temporarily close to navigation the relevant part of the river.

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

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

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

(5) In this article, “the relevant part of the river” means so much of the river Ouse as is shown within the Order limits on the access and rights of way and public rights of navigation plan.

### **Trees subject to tree preservation orders**

**55.—(1)** Subject to paragraph (2), the undertaker must not fell or lop or cut back the roots of any tree within or overhanging land within the Order limits which is the subject of a tree preservation order.

(2) The undertaker may fell or lop any tree within or overhanging land within the Order limits subject to a tree preservation order which was made after 1 October 2022 or cut back its roots, if it reasonably believes it to be necessary to do so in order to prevent the tree from obstructing or interfering with the construction, maintenance or operation of the authorised project or any apparatus used in connection with the authorised project.

(3) In carrying out any activity authorised by paragraph (2)—

- (a) the undertaker must do no unnecessary damage to any tree and must pay compensation to any person for any loss or damage arising from such activity; and
- (b) the duty contained in section 206(1) (replacement of trees) of the 1990 Act does not apply.

(4) The authority given by paragraph (2) constitutes a deemed consent under the relevant tree preservation order.

(5) Any dispute as to a person's entitlement to compensation under paragraph (3), or as to the amount of compensation, is to be determined under Part 1 (determination of questions of disputed compensation) of the 1961 Act.

Signed by authority of the Secretary of State for Business, Energy and Industrial Strategy

*Name*

Head of Energy Infrastructure Planning

Date

Department for Business, Energy and Industrial Strategy

# SCHEDULES

## SCHEDULE 1

Articles 2 and 3

### AUTHORISED DEVELOPMENT

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

#### *OSBALDWICK SUBSTATION*

##### **Work No. 1 – Osbaldwick Substation and YR overhead electric line**

###### In the city of York

Works at the existing Osbaldwick Substation to reconfigure the existing layout and YR overhead electric line shown on section A, sheet 1 of the works plan, comprising:

- (a) the installation of conductors, insulators and fittings from YR001A to YR001C;
- (b) the dismantling and removal of existing conductors, insulators and fittings on and between YR001A and YR001-T;
- (c) the installation of gantry YR001C, support structures, switchgear and equipment, underground cables and cable terminations; and
- (d) the dismantling and removal of gantry YR001-T, associated support structures, switchgear and equipment.

#### *OVERHEAD ELECTRIC LINES AND OVERTON SUBSTATION (NORTH WEST OF YORK)*

##### **Work No. 2 – YR/2TW overhead electric line and YN overhead electric line**

###### In the district of Hambleton and the city of York

Works to reconfigure the YR overhead electric line and construction and installation of the YN overhead electric line as shown on section B, sheet 1 of the works plan, comprising:

- (a) the reconductoring of the YR/2TW overhead electric line from YR036 to 2TW169, replacement of conductors, fittings, insulators, and fibre optic earthwires, including modifications to existing pylons;
- (b) the construction and installation of a temporary diversion of the YR overhead electric line from YR038 to 2TW169, including conductors, fibre optic earthwires, insulators, fittings and two temporary structures;
- (c) the construction and installation of an overhead electric line from YR040 to YN004 including five pylons, conductors, fibre optic earthwires, insulators, fittings and connections into the new Shipton North and Shipton South cable sealing end compounds referred to at paragraph (f) below.

###### In the district of Hambleton

- (d) the installation of an underground cable to facilitate a connection between Shipton North and Shipton South cable sealing end compounds referred to at paragraph (f) below;
- (e) the dismantling and removal of existing pylon YR040T, including foundations;
- (f) the construction and installation of two cable sealing end compounds, Shipton North and Shipton South, containing sealing end equipment, including anchor blocks at Shipton North and a gantry at Shipton South, switchgear, earthing and protection control systems, and connections to the overhead electric line;
- (g) the installation of one temporary construction compound; and

In the city of York

- (h) the installation of one temporary construction compound.

**Work No. U1 – Utility Undergrounding**

In the district of Hambleton

The removal of a section of the existing distribution overhead electric line and its replacement with the installation of an underground cable shown on section B, sheet 1 of the works plan.

**Work No. 3 – YN overhead electric line**

In the district of Hambleton and city of York

Works to construct and install the YN overhead electric line shown on section B, sheets 1 and 2 of the works plan, comprising:

- (a) the construction and installation of an overhead electric line from YN004 to YN008, YN008 to YN009, and YN008 to YN010, including four pylons, conductors, fibre optic earthwires, insulators, fittings and connections into the Overton Substation referred to within Work No. 4 below; and
- (b) the installation of two temporary construction compounds.

**Work No. U2**

In the city of York

The removal of a section of the existing distribution overhead electric line and its replacement with the installation of an underground cable shown on section B, sheets 1 and 2 of the works plan.

**Work No. U3**

In the city of York

The removal of a section of the existing distribution overhead electric line and its replacement with the installation of an underground cable shown on section B, sheet 2 of the works plan.

**Work No. 4 – Overton Substation**

In the district of Hambleton

Works to construct and install a new substation at Overton, to facilitate connections to the YN, SP and XC overhead electric lines shown, on section B, sheet 2 of the works plan, comprising the construction and installation of Overton. Substation including six gantries for termination of the new overhead electric lines, four supergrid transformers, noise enclosures, switchgear, plant and equipment, operational and ancillary buildings and permanent landscaping works, the construction of gates and fencing, hardstanding and drainage for Overton Substation.

**Work No. 5 – SP and XCP overhead electric lines**

In the district of Hambleton and city of York

Works to construct and install the SP overhead electric line and dismantle the XCP overhead electric line shown on section B, sheets 2 and 3 of the works plan, comprising:

- (a) the construction and installation of an overhead electric line from SP001 to SP003, SP002 to SP003, and SP003 to SP007, including four pylons, conductors, fibre optic earthwires, insulators, fittings, modifications to existing pylons and connections into Overton Substation referred to at Work No. 4 above; and

In the district of Hambleton

- (b) the dismantling and removal of existing pylon XCP013, including removal of conductors, insulators, fittings, fibre optic earthwires, and foundations.

**Work No. U4**

In the city of York

The removal of a section of the existing distribution overhead electric line and its replacement with the installation of an underground cable shown on section B, sheet 3 of the works plan.

**Work No. 6 – XC and XCP overhead electric lines, and XC overhead electric line**

In the district of Hambleton, city of York and borough of Harrogate

Works to reconfigure the XC overhead electric line, through reconductoring and installation of new sections of overhead electric lines, and dismantling of the XCP overhead electric line and sections of the XC overhead electric line shown on section B, sheets 2 to 5 of the works plan, comprising:

In the district of Hambleton

- (a) the construction and installation of a temporary overhead electric line span from XC416 to SP003, including insulators and fittings;

In the district of Hambleton, city of York and borough of Harrogate

- (b) the construction and installation of an electric overhead line from XC414 to XC416, XC415 to XC416, and XC416 to XC429 including 14 pylons, conductors, fibre optic earthwires, insulators, fittings and connections into Overton Substation referred to at Work No. 4 above;
- (c) the dismantling and removal of existing pylons XCP012 to XC429T including removal of 14 pylons, conductors, insulators, fittings, fibre optic earthwires and foundations;

In the city of York and borough of Harrogate

- (d) the construction and installation of a temporary diversion of the existing XCP overhead electric line from XC421 to XCP003, including conductors, insulators, fittings and four temporary structures;

In the borough of Harrogate

- (e) the reconductoring of the XC overhead electric line from XC429 to XC430, including modifications to existing pylons and foundations, and the replacement of conductors, fittings, insulators and fibre optic earthwires; and
- (f) the construction and installation of a temporary diversion of the XC overhead electric line from XC428T to XC430, including conductors, insulators, fittings and one temporary structure.

**Work No. U5**

In the city of York

The removal of a section of the existing distribution overhead electric line and its replacement with the installation of an underground cable shown on section B, sheet 3 and 4 of the works plan.

**Work No. U6**

In the borough of Harrogate

The removal of a section of the existing distribution overhead electric line and its replacement with the installation of an underground cable shown on section B, sheet 5 of the works plan.



*OVERHEAD ELECTRIC LINES (MOOR MONKTON TO TADCASTER)*

**Work No. 7 – XC overhead electric line**

In the borough of Harrogate and district of Selby

Works to upgrade, modify and reconductor the existing XC overhead electric line shown on section C, sheet 1 to section D, sheet 1 of the works plan comprising the reconductoring of the XC overhead electric line from XC430 to XC480, including modifications to existing pylons and foundations, replacement of conductors, fibre optic earthwires, fittings, and insulators.

**Work No. U7**

In the district of Selby

The removal of a section of the existing distribution overhead electric line and its replacement with the installation of an underground cable shown on section C, sheet 9 of the works plan.

**Work No. U8**

In the district of Selby

The removal of a section of the existing distribution overhead electric line and its replacement with the installation of an underground cable shown on section C, sheet 9 of the works plan.

*OVERHEAD ELECTRIC LINES (TADCASTER)*

**Work No. 8 – XC and XD overhead electric lines**

In the city of Leeds and district of Selby

Works to upgrade, modify and reconductor the XC overhead line, and modify the XD overhead line shown on section D, sheets 1 and 2 of the works plan, comprising:

In the district of Selby

- (a) the reconductoring of the XC overhead electric line from XC480 to XC482, including modifications to existing pylons and foundations, replacement of conductors, fibre optic earthwires, fittings, and insulators;
- (b) the construction and installation of a temporary diversion of the existing XD overhead electric line from XC481 to XD003, including conductors, insulators, fibre optic earthwires, fittings and two temporary structures;
- (c) the construction and installation of an overhead electric line from XC481 to the Tadcaster Tee East cable sealing end compound referred to at paragraph (f) and from XD001 into the Tadcaster Tee West cable sealing end compound referred to at paragraph (f) below, including conductors, fibre optic earthwires, insulators and fittings;
- (d) the construction and installation of underground cables to connect the Tadcaster Tee East cable sealing end compound referred to at paragraph (f) below with the Tadcaster Tee West cable sealing end compound also referred to at paragraph (f) below;
- (e) the dismantling and removal of existing pylon XD001T, a single circuit span between XD001 and XC481, and associated foundations;
- (f) the construction and installation of two cable sealing end compounds, Tadcaster Tee East and Tadcaster Tee West, containing sealing end equipment, including anchor blocks in Tadcaster Tee East and a gantry in Tadcaster Tee West, switchgear, earthing and protection control systems, and connections to the overhead electric line;
- (g) the installation of one temporary construction compound; and

In the city of Leeds and district of Selby

(h) modifications to conductors, insulators and fittings between XC481 and XD007.

**Work No. U9**

In the district of Selby

The removal of a section of the existing distribution overhead electric line and its replacement with the installation of an underground cable shown on section D, sheets 1 and 2 of the works plan.

**Work No. U10**

In the district of Selby

The diversion of an underground gas pipeline and removal of redundant section of gas pipeline shown on section D, sheet 1 of the works plan.

*OVERHEAD ELECTRIC LINES (TADCASTER TO MONK FRYSTON)*

**Work No. 9 – XC overhead electric line**

In the district of Selby

Works to upgrade, modify and reconductor the XC overhead electric line shown on section D, sheet 1 to section E, sheet 7 of the works plan, comprising the reconductoring of the XC overhead electric line from XC482 to XC521, including modifications to existing pylons and foundations, replacement of conductors, fibre optic earthwire, fittings and insulators.

**Work No. U11**

In the district of Selby

The removal of a section of the existing distribution overhead electric line and its replacement with the installation of an underground cable shown on section E, sheet 2 of the works plan.

**Work No. U12**

In the district of Selby

The removal of a section of the existing distribution overhead electric line and its replacement with the installation of an underground cable shown on section E, sheet 3 of the works plan.

**Work No. U13**

In the district of Selby

The removal of a section of the existing distribution overhead electric line and its replacement with the installation of an underground cable shown on section E, sheet 3 of the works plan.

**Work No. U14**

In the district of Selby

The removal of a section of the existing distribution overhead electric line and its replacement with the installation of an underground cable shown on section E, sheet 5 of the works plan.

**Work No. U15**

In the district of Selby

The removal of a section of the existing distribution overhead electric line and its replacement with the installation of an underground cable shown on section E, sheet 6 of the works plan.

*OVERHEAD ELECTRIC LINES AND MONK FRYSTON SUBSTATION*

**Work No. 10 – XC overhead electric line**

In the district of Selby

Works to reconfigure the XC overhead electric line through construction and installation of new sections and dismantling of existing sections shown on section E, sheet 7 and section F, sheet 1 of the works plan, comprising:

- (a) the construction and installation of an overhead electric line from XC521 to XC526 and from XC526 to XC527, and from XC526 to XC528, including the construction and installation of five pylons, conductors, fibre optic earthwires, insulators, fittings, and connections into the Monk Fryston Substation referred to at Work No. 11 below;
- (b) the dismantling and removal of an overhead electric line from XC521 to XC525T, including removal of four pylons, conductors, insulators, fittings, fibre optic earthwires and foundations;
- (c) the construction and installation of a temporary diversion of the existing XC overhead electric line from XC522T to XC525T, including conductors, insulators, fittings and two temporary structures; and
- (d) the installation of one temporary construction compound.

**Work No. 11 – Monk Fryston Substation**

In the district of Selby

Works to construct and install a new substation at Monk Fryston, including modifications to the existing Monk Fryston Substation, XC overhead electric line and 4YS overhead electric line connections shown on Section F, sheet 1 of the works plan, comprising:

- (a) the dismantling and removal of four gantries MF L, MF R, MF L-T and MF R-T, comprising the removal of conductors, insulators, fittings, and fibre optic earthwires, including between 4YS029 and 4ZZ001A;
- (b) the construction and installation of an overhead electric line from 4YS029 to 4YS030 and from 4YS029 to 4YS031, including two gantries, the installation of conductors, fibre optic earthwires, insulators, fittings, and connections into the new Monk Fryston Substation referred to at paragraph (d) below;
- (c) the installation of one temporary construction compound;
- (d) the construction and installation of the new Monk Fryston Substation including four gantries for termination of new overhead electric line entries, four supergrid transformers, noise enclosures, switchgear, plant and equipment, operational and ancillary buildings and permanent landscaping works; and
- (e) modifications to the existing Monk Fryston Substation including structures, plant and equipment, perimeter fencing, drainage systems, lighting and site furniture.

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

- (a) ramps, means of access, footpaths, cycleways, bridleways and trackways;
- (b) embankments, bridges, aprons, abutments, foundations, retaining walls, drainage, wing walls, headwalls, culverts and fencing including stock-proof fencing;
- (c) works to alter the position of apparatus, including mains, sewers, drains, conductors and cables;

- (d) works to alter the course of, or otherwise interfere with a watercourse, drainage works, attenuation ponds, and culverts;
- (e) landscaping and other works to mitigate any adverse effects of construction, maintenance, operation or use, together with means of access;
- (f) tree, hedgerow and vegetation planting and maintenance works;
- (g) works for the benefit or protection of the environment;
- (h) works for the benefit or protection of land, structures, apparatus or equipment affected by the authorised development (including earthing and works for monitoring);
- (i) works required for the strengthening, improvement, maintenance, or reconstruction of any streets;
- (j) works to streets and any alteration, removal or installation of street furniture, traffic signage and signals, and road lining, including where required to facilitate the construction of temporary accesses;
- (k) site preparation works, site clearance (including scaffolding, fencing, vegetation removal, demolition of existing buildings or structures and the creation of alternative footpaths, cycleways, bridleways and trackways);
- (l) earthworks (including soil stripping and storage, site levelling, ground improvement, berms and bunding);
- (m) works within temporary construction compounds, comprising temporary laydown, assembly and storage areas, temporary offices, security cabins, temporary vehicle parking, construction fencing, gates and hoarding, perimeter enclosure, security fencing, construction related buildings, welfare facilities, construction and security lighting and haulage roads, provision of services, generators, lighting, waste management facilities, drainage works, attenuation ponds, access roads, wheel cleaning facilities, biosecurity measures, fencing and hoarding;
- (n) works within cable sealing end compounds and substations, comprising the installation of switchgear, above and below ground services, troughs and cables, perimeter fencing, gates and hoarding, drainage systems, attenuation ponds, pollution control, generators, earthing and protection control systems, supervisory control and data acquisition communications, lighting, waste management facilities, drainage works, attenuation ponds, access roads, wheel cleaning facilities, biosecurity measures, parking areas;
- (o) works to allow for the provision of services, including power supplies, electric vehicle charging points and communication equipment;
- (p) installation of wires, cables, ducts, pipes and conductors including establishment of winching points;
- (q) the changing of name plates;
- (r) such other works, including scaffolding and crossing protection, working areas, and works of demolition (which includes but is not limited to demolition of residential properties), as may be necessary or expedient for the purposes of or in connection with the construction of the authorised development and which do not give rise to any materially different environmental effects from those assessed in the Environmental Statement;
- (s) the construction and installation of permanent vehicle access roads, gates and fencing, hardstanding, and drainage;
- (t) works to place, alter, divert, relocate, protect, remove or maintain the position of apparatus (including statutory undertakers' apparatus), services, plant and other equipment in, under or above a street, or in other land, including mains, sewers, drains, pipes, lights, cables, fencing and other boundary treatments; and
- (u) such other works as may be necessary or expedient for the purposes of or in connection with the construction, installation, operation or maintenance of the authorised development and which do not give rise to any materially different environmental effects from those assessed in the Environmental Statement.

SCHEDULE 2  
PLANS AND DRAWINGS

Articles 2, 3

PART 1

ACCESS, RIGHTS OF WAY AND PUBLIC RIGHTS OF NAVIGATION PLAN

<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Access, Rights of Way and Public Rights of Navigation Key Plan	DCO_A/AC/KP/01	A
Access, Rights of Way and Public Rights of Navigation Plan	DCO_A/AC/PS/01	A
Access, Rights of Way and Public Rights of Navigation Key Plan	DCO_B/AC/KP/01	A
Access, Rights of Way and Public Rights of Navigation Key Plan,	DCO_B/AC/KPD/01	A
Access, Rights of Way and Public Rights of Navigation Plan	DCO_B/AC/PS/01	A
Access, Rights of Way and Public Rights of Navigation Plan	DCO_B/AC/PS/02	A
Access, Rights of Way and Public Rights of Navigation Plan	DCO_B/AC/PS/03	A
Access, Rights of Way and Public Rights of Navigation Plan	DCO_B/AC/PS/04	A
Access, Rights of Way and Public Rights of Navigation Plan	DCO_B/AC/PS/05	A
Access, Rights of Way and Public Rights of Navigation Key Plan	DCO_C/AC/KP/01	A
Access, Rights of Way and Public Rights of Navigation Key Plan	DCO_C/AC/KPD/01	A
Access, Rights of Way and Public Rights of Navigation Plan	DCO_C/AC/PS/01	A
Access, Rights of Way and Public Rights of Navigation Plan	DCO_C/AC/PS/02	A
Access, Rights of Way and Public Rights of Navigation Plan	DCO_C/AC/PS/03	A
Access, Rights of Way and	DCO_C/AC/PS/04	A

Public Rights of Navigation Plan		
Access, Rights of Way and Public Rights of Navigation Plan	DCO_C/AC/PS/05	A
Access, Rights of Way and Public Rights of Navigation Plan	DCO_C/AC/PS/06	A
Access, Rights of Way and Public Rights of Navigation Plan	DCO_C/AC/PS/07	A
Access, Rights of Way and Public Rights of Navigation Plan	DCO_C/AC/PS/08	A
Access, Rights of Way and Public Rights of Navigation Plan	DCO_C/AC/PS/09	A
Access, Rights of Way and Public Rights of Navigation Key Plan	DCO_D/AC/KP/01	A
Access, Rights of Way and Public Rights of Navigation Plan	DCO_D/AC/PS/01	A
Access, Rights of Way and Public Rights of Navigation Plan	DCO_D/AC/PS/02	A
Access, Rights of Way and Public Rights of Navigation Key Plan	DCO_E/AC/KP/01	A
Access, Rights of Way and Public Rights of Navigation Plan	DCO_E/AC/PS/01	A
Access, Rights of Way and Public Rights of Navigation Plan	DCO_E/AC/PS/02	A
Access, Rights of Way and Public Rights of Navigation Plan	DCO_E/AC/PS/03	A
Access, Rights of Way and Public Rights of Navigation Plan	DCO_E/AC/PS/04	A
Access, Rights of Way and Public Rights of Navigation Plan	DCO_E/AC/PS/05	A
Access, Rights of Way and Public Rights of Navigation Plan	DCO_E/AC/PS/06	A
Access, Rights of Way and Public Rights of Navigation Plan	DCO_E/AC/PS/07	A
Access, Rights of Way and Public Rights of Navigation Key Plan	DCO_F/AC/KP/01	A
Access, Rights of Way and Public Rights of Navigation	DCO_F/AC/PS/01	A

Plan		
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**PART 2**  
**DESIGN DRAWINGS**

<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
List Of Design Plans	DCO_DE/KP/01_01	A
List Of Design Plans	DCO_DE/KP/01_02	A
Design Plan: Explanatory Overhead Line Profile	DCO_DE/PS/01_01	A
Design Plan: Indicative Overhead Line Profiles 2TW/YR	DCO_DE/PS/03_01	A
Design Plan: Indicative Overhead Line Profiles YN	DCO_DE/PS/04_01	A
Design Plan: Indicative Overhead Line Profiles YN	DCO_DE/PS/04_02	A
Design Plan: Indicative Overhead Line Profiles SP	DCO_DE/PS/05_01	A
Design Plan: Indicative Overhead Line Profiles SP	DCO_DE/PS/05_02	A
Design Plan: Indicative Overhead Line Profiles XC	DCO_DE/PS/06_01	A
Design Plan: Indicative Overhead Line Profiles XC	DCO_DE/PS/06_02	A
Design Plan: Indicative Overhead Line Profiles XC	DCO_DE/PS/06_03	A
Design Plan: Indicative Overhead Line Profiles XC	DCO_DE/PS/06_04	A
Design Plan: Indicative Overhead Line Profiles XC	DCO_DE/PS/06_05	A
Design Plan: Indicative Overhead Line Profiles XC	DCO_DE/PS/06_06	A
Design Plan: Indicative Overhead Line Profiles XC	DCO_DE/PS/06_07	A
Design Plan: Indicative Overhead Line Profiles XC	DCO_DE/PS/06_08	A
Design Plan: Indicative Overhead Line Profiles XC	DCO_DE/PS/06_09	A
Design Plan: Indicative Overhead Line Profiles XC	DCO_DE/PS/06_10	A
Design Plan: Indicative Overhead Line Profiles XC	DCO_DE/PS/06_11	A
Design Plan: Indicative Overhead Line Profiles XC	DCO_DE/PS/06_12	A
Design Plan: Indicative Overhead Line Profiles XC	DCO_DE/PS/06_13	A
Design Plan: Indicative Overhead Line Profiles XC	DCO_DE/PS/06_14	A
Design Plan: Indicative Overhead Line Profiles XD	DCO_DE/PS/07_01	A
Design Plan: Indicative	DCO_DE/PS/07_02	A

Overhead Line Profiles XD		
Design Plan: Indicative Overhead Line Profiles 4YS	DCO_DE/PS/08_01	A
Design Plan: Indicative Overhead Line Profiles Temporary Alignment XCP	DCO_DE/PS/09_01	A
Design Plan: Indicative Overhead Line Profiles Temporary Alignment XC	DCO_DE/PS/10_01	A
Design Plan: Indicative Overhead Line Profiles Temporary Alignment XC	DCO_DE/PS/10_02	A
Design Plan: Indicative Overhead Line Profiles Temporary Alignment XD	DCO_DE/PS/11_01	A
Design Plan: Indicative Overhead Line Profiles Temporary Alignment YR	DCO_DE/PS/12_01	A
Design Plan: Indicative Maximum And Minimum Lattice Pylon Heights	DCO_DE/PS/13_01	A
Design Plan: Substation Parameter Plan - Overton	DCO_DE/PS/14_01	A
Design Plan: Indicative Substation Layout - Overton	DCO_DE/PS/14_02	A
Design Plan: Indicative Substation Elevation - Overton	DCO_DE/PS/14_03	A
Design Plan: Substation Parameter Plan - Monk Fryston	DCO_DE/PS/15_01	A
Design Plan: Indicative Substation Layout - Monk Fryston	DCO_DE/PS/15_02	A
Design Plan: Indicative Substation Elevation - Monk Fryston	DCO_DE/PS/15_03	A
Design Plan: Substation Parameter Plan - Osbaldwick	DCO_DE/PS/16_01	A
Design Plan: Indicative Substation Layout - Osbaldwick	DCO_DE/PS/16_02	A
Design Plan: Indicative Substation Elevation - Osbaldwick	DCO_DE/PS/16_03	A
Design Plan: Parameter Plan For Shipton North 400kv Cable Sealing End Compound	DCO_DE/PS/17_01	A
Design Plan: Indicative Cable Sealing End Compound Layout - Shipton North 400kv Cable Sealing End Compound	DCO_DE/PS/17_02	A
Design Plan: Indicative Cable Sealing End Compound Elevation - Shipton North	DCO_DE/PS/17_03	A



400kv Cable Sealing End Compound		
Design Plan: Parameter Plan For Shipton South 400kv Cable Sealing End Compound	DCO_DE/PS/18_01	A
Design Plan: Indicative Cable Sealing End Compound Layout - Shipton South 400kv Cable Sealing End Compound	DCO_DE/PS/18_02	A
Design Plan: Indicative Cable Sealing End Compound Elevation - Shipton South 400kv Cable Sealing End Compound	DCO_DE/PS/18_03	A
Design Plan: Parameter Plan For Tadcaster West 275kv Cable Sealing End Compound	DCO_DE/PS/19_01	A
Design Plan: Indicative Cable Sealing End Compound Layout - Tadcaster West 275kv Cable Sealing End Compound	DCO_DE/PS/19_02	A
Design Plan: Indicative Cable Sealing End Compound Elevation - Tadcaster West 275kv Cable Sealing End Compound	DCO_DE/PS/19_03	A
Design Plan: Parameter Plan For Tadcaster East 275kv Cable Sealing End Compound	DCO_DE/PS/20_01	A
Design Plan: Indicative Cable Sealing End Compound Layout - Tadcaster East 275kv Cable Sealing End Compound	DCO_DE/PS/20_02	A
Design Plan: Indicative Cable Sealing End Compound Elevation - Tadcaster East 275kv Cable Sealing End Compound	DCO_DE/PS/20_03	A

### PART 3

#### EXTINGUISHMENT OF EASEMENTS, SERVITUDES AND OTHER PRIVATE RIGHTS PLANS

<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Master key to section identification plan for extinguishment of easements, servitudes and other private rights plan	DCO_MKP/EX/01	A
Extinguishment of easements, servitudes and other private rights key plan	DCO_D/EX/KP/01	A

Extinguishment of easements, servitudes and other private rights plan	DCO_D/EX/PS/01	A
Extinguishment of easements, servitudes and other private rights plan	DCO_D/EX/PS/02	A

**PART 4**  
**LAND PLAN**

<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Land Key Plan	DCO_A/LP/KP/01	A
Land Plan	DCO_A/LP/PS/01	A
Land Key Plan	DCO_B/LP/KP/01	A
Land Plan	DCO_B/LP/PS/01	A
Land Plan	DCO_B/LP/PS/02	A
Land Plan	DCO_B/LP/PS/03	A
Land Plan	DCO_B/LP/PS/04	A
Land Plan	DCO_B/LP/PS/05	A
Land Key Plan	DCO_C/LP/KP/01	A
Land Plan	DCO_C/LP/PS/01	A
Land Plan	DCO_C/LP/PS/02	A
Land Plan	DCO_C/LP/PS/03	A
Land Plan	DCO_C/LP/PS/04	A
Land Plan	DCO_C/LP/PS/05	A
Land Plan	DCO_C/LP/PS/06	A
Land Plan	DCO_C/LP/PS/07	A
Land Plan	DCO_C/LP/PS/08	A
Land Plan	DCO_C/LP/PS/09	A
Land Key Plan	DCO_D/LP/KP/01	A
Land Plan	DCO_D/LP/PS/01	A
Land Plan	DCO_D/LP/PS/02	A
Land Key Plan	DCO_E/LP/KP/01	A
Land Plan	DCO_E/LP/PS/01	A
Land Plan	DCO_E/LP/PS/02	A
Land Plan	DCO_E/LP/PS/03	A
Land Plan	DCO_E/LP/PS/04	A
Land Plan	DCO_E/LP/PS/05	A
Land Plan	DCO_E/LP/PS/06	A
Land Plan	DCO_E/LP/PS/07	A
Land Key Plan	DCO_F/LP/KP/01	A
Land Plan	DCO_F/LP/PS/01	A

**PART 5**  
**TRAFFIC REGULATION ORDER PLAN**

<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Traffic Regulations Order Key Plan	DCO_A/TRO/KP/01	A

Traffic Regulations Order Plan	DCO_A/TRO/PS/01	A
Traffic Regulations Order Key Plan	DCO_B/TRO/KP/01	A
Traffic Regulations Order Plan	DCO_B/TRO/PS/01	A
Traffic Regulations Order Plan	DCO_B/TRO/PS/02	A
Traffic Regulations Order Plan	DCO_B/TRO/PS/03	A
Traffic Regulations Order Plan	DCO_B/TRO/PS/04	A
Traffic Regulations Order Plan	DCO_B/TRO/PS/05	A
Traffic Regulations Order Key Plan	DCO_C/TRO/KP/01	A
Traffic Regulations Order Plan	DCO_C/TRO/PS/01	A
Traffic Regulations Order Plan	DCO_C/TRO/PS/02	A
Traffic Regulations Order Plan	DCO_C/TRO/PS/03	A
Traffic Regulations Order Plan	DCO_C/TRO/PS/04	A
Traffic Regulations Order Plan	DCO_C/TRO/PS/05	A
Traffic Regulations Order Plan	DCO_C/TRO/PS/06	A
Traffic Regulations Order Plan	DCO_C/TRO/PS/07	A
Traffic Regulations Order Plan	DCO_C/TRO/PS/08	A
Traffic Regulations Order Plan	DCO_C/TRO/PS/09	A
Traffic Regulations Order Key Plan	DCO_D/TRO/KP/01	A
Traffic Regulations Order Plan	DCO_D/TRO/PS/01	A
Traffic Regulations Order Plan	DCO_D/TRO/PS/02	A
Traffic Regulations Order Key Plan	DCO_E/TRO/KP/01	A
Traffic Regulations Order Plan	DCO_E/TRO/PS/01	A
Traffic Regulations Order Plan	DCO_E/TRO/PS/02	A
Traffic Regulations Order Plan	DCO_E/TRO/PS/03	A
Traffic Regulations Order Plan	DCO_E/TRO/PS/04	A
Traffic Regulations Order Plan	DCO_E/TRO/PS/05	A
Traffic Regulations Order Plan	DCO_E/TRO/PS/06	A

Traffic Regulations Order Plan	DCO_E/TRO/PS/07	A
Traffic Regulations Order Key Plan	DCO_F/TRO/KP/01	A
Traffic Regulations Order Plan	DCO_F/TRO/PS/01	A

**PART 6**  
**WORKS PLAN**

<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Works Key Plan	DCO_A/WO/KP/01	A
Works Plan	DCO_A/WO/PS/01	A
Works Key Plan	DCO_B/WO/KP/01	A
Works Plan	DCO_B/WO/PS/01	A
Works Plan	DCO_B/WO/PS/02	A
Works Plan	DCO_B/WO/PS/03	A
Works Plan	DCO_B/WO/PS/04	A
Works Plan	DCO_B/WO/PS/05	A
Works Key Plan	DCO_C/WO/KP/01	A
Works Plan	DCO_C/WO/PS/01	A
Works Plan	DCO_C/WO/PS/02	A
Works Plan	DCO_C/WO/PS/03	A
Works Plan	DCO_C/WO/PS/04	A
Works Plan	DCO_C/WO/PS/05	A
Works Plan	DCO_C/WO/PS/06	A
Works Plan	DCO_C/WO/PS/07	A
Works Plan	DCO_C/WO/PS/08	A
Works Plan	DCO_C/WO/PS/09	A
Works Key Plan	DCO_D/WO/KP/01	A
Works Plan	DCO_D/WO/PS/01	A
Works Plan	DCO_D/WO/PS/02	A
Works Key Plan	DCO_E/WO/KP/01	A
Works Plan	DCO_E/WO/PS/01	A
Works Plan	DCO_E/WO/PS/02	A
Works Plan	DCO_E/WO/PS/03	A
Works Plan	DCO_E/WO/PS/04	A
Works Plan	DCO_E/WO/PS/05	A
Works Plan	DCO_E/WO/PS/06	A
Works Plan	DCO_E/WO/PS/07	A
Works Key Plan	DCO_F/WO/KP/01	A
Works Plan	DCO_F/WO/PS/01	A

## SCHEDULE 3 REQUIREMENTS

Articles 2, 3, 9, 43, 50

### Interpretation

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

“commence” means the carrying out of a material operation, as defined in section 155 (when development begins) of the 2008 Act, comprised in or carried out for the purposes of the authorised development, but does not include any pre-commencement works;

“the core working hours” means the core hours within which construction works may be undertaken as described in paragraphs (1) and (2) of requirement 7 (construction hours).

“mean high water level” means the average height of the high water level over a period of time;

“pre-commencement works” means

- (a) archaeological investigations and mitigation works;
- (b) environmental surveys and monitoring;
- (c) environmental mitigation works;
- (d) investigations for the purpose of assessing and monitoring ground conditions and levels;
- (e) remedial work in respect of any contamination or other adverse ground conditions;
- (f) erection of any temporary means of enclosure;
- (g) temporary hard standing;
- (h) receipt and erection of construction plant and equipment;
- (i) diversion and laying of underground apparatus and utilities;
- (j) protection works comprising utilities protection works or fencing and protection slabs;
- (k) site clearance;
- (l) temporary construction compound set-up;
- (m) the temporary display of site notices or advertisements; and
- (n) activities which do not fall within paragraphs (a) to (m) and are not likely to have significant effects on the environment;

“relevant drainage authority” means the drainage authority or the Lead Local Flood Authority for the area to which the relevant works relate;

“stage” means a defined stage of the authorised development, as described in a scheme submitted to the relevant planning authority pursuant to requirement 4 (stages of authorised development); and

“start up and close down activities” means general works that will not create an audible disturbance to local residents, including but not restricted to—

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

(2) Where under Schedule 3 (requirements) the approval or agreement of the highway authority or the relevant planning authority is required, that approval must be given in writing.

(3) Where an approval is required under Schedule 3 (requirements) or a document referred to in a Requirement, or any Requirement specifies “unless otherwise approved” or “unless otherwise agreed” by the highway authority or the relevant planning authority such approval or agreement may only be given where it has been demonstrated to the satisfaction of the highway authority or the relevant planning authority that the subject matter of the approval or agreement sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the Environmental Statement.

(4) Where Schedule 3 (requirements) requires the authorised development to be carried out in accordance or general accordance with the details approved by the highway authority or by the relevant planning authority, the approved details are to be taken to include any amendments that may subsequently be approved in writing by the highway authority or by the relevant planning authority.

### **Time limits**

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

### **Design drawings**

3.—(1) The authorised development must be carried out in general accordance with the design drawings.

(2) The authorised development will not be in general accordance with the design drawings to the extent that any departure from the design drawings gives rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

### **Stages of authorised development**

4.—(1) The authorised development may not commence until a written scheme setting out the stages of the authorised development has been submitted to the relevant planning authority, which scheme may subsequently be amended from time to time as notified to the relevant planning authority.

### **Construction management plans**

5.—(1) All construction works for the authorised development must be carried out in accordance with the construction management plans referred to in paragraph (2), unless otherwise agreed with the relevant planning authority or the highway authority, as may be appropriate to the relevant plan, scheme or strategy concerned.

(2) The construction management plans, which specify the measures to be used to minimise the impacts of construction works, are the following plans, schemes and strategies—

- (a) the code of construction practice;
- (b) the archaeological written scheme of investigation;
- (c) the biodiversity mitigation strategy;
- (d) the construction traffic management plan;
- (e) the public rights of way management plan; and
- (f) the noise and vibration management plan.

(3) For the avoidance of doubt, all pre-commencement works must be carried out in accordance with the construction management plans and the outline soil management plan.

## **Outline construction management plans**

6.—(1) No stage of the authorised development may commence until, for that stage, the following plans, schemes and strategies as relevant to that stage to minimise the impacts of construction works have been submitted to and approved by the relevant planning authority—

- (a) soil and aftercare management plan;
- (b) drainage management plan;
- (c) pollution incident control plan;
- (d) lighting scheme;
- (e) emergency response plan for flood events;
- (f) site waste management plan; and
- (g) tree and hedgerow protection strategy.

(2) The plans, schemes and strategies referred to in paragraph (1) to be submitted for approval must accord with the relevant outline plans, schemes and strategies referred to in requirement 5 (construction management plans) and in the case of the soil and aftercare management plan must be substantially in accordance with the outline soil management plan.

(3) The construction works for each stage of the authorised development and mitigation works to minimise the impact of construction must be carried out in accordance with the approved plans, schemes and strategies referred to in paragraph (1) or with any amended plans, schemes or strategies that may subsequently be approved by the relevant planning authority.

(4) The drainage management plan referred to in paragraph (1)(b) must contain written details of the surface and foul water drainage system (including means of pollution control) for both permanent and temporary works, and any surface or foul water drainage system must be constructed in accordance with the details approved by the relevant planning authority under paragraph (1), following consultation with the relevant drainage authority.

(5) The lighting scheme referred to in paragraph 1(d) must contain written details of the temporary and permanent external lighting to be installed, and any external lighting must be installed in accordance with the details approved by the relevant planning authority under paragraph (1).

## **Construction hours**

7.—(1) Subject to paragraphs (2) and (3) construction works may only take place between 0700 and 1900 Mondays to Fridays and between 0800 and 1700 on Saturdays, Sundays and Bank Holidays.

(2) Piling operations must take place only between 0800 and 1700 on Mondays to Fridays and 0900 to 1400 on Saturdays.

(3) The following operations may take place outside the core working hours referred to in paragraph (1) and (2)—

- (a) the jointing of underground cables, with the exception of cable cutting which must take place only during core working hours;
- (b) installation and removal of conductors, pilot wires and associated protective netting across highways, railway lines or watercourses;
- (c) the completion of operations commenced during the core working hours which cannot safely be stopped;
- (d) any highway works requested by the relevant highway authority to be undertaken on a Saturday or a Sunday or outside the core working hours;
- (e) oil processing of transformers or reactors in substation sites;
- (f) the testing or commissioning of any electrical plant installed as part of the authorised development;

- (g) the completion of works delayed or held up by severe weather conditions which disrupted or interrupted normal construction activities;
- (h) start up and close down activities, which may take place one hour immediately prior to or one hour immediately after the core working hours; and
- (i) security monitoring.

### **Landscaping and mitigation planting**

**8.**—(1) Unless otherwise agreed with the relevant planning authority, no stage of the authorised development may commence until, where relevant for that stage:

- (a) a scheme for mitigation planting that accords with the arboricultural impact assessment; and
- (b) a landscape strategy that accords with the outline landscape mitigation strategy

has been submitted to and approved by the relevant planning authority.

(2) The scheme for mitigation planting and landscape strategy submitted under paragraph (1) must include details appropriate for the relevant stage, including—

- (a) the location of planting and a schedule of plants noting quantities, species, size and planting density of any proposed planting or seeding;
- (b) cultivation, importing of materials and other operations to ensure plant and seed establishment; and
- (c) details of the five year maintenance regime including monitoring and management.

### **Implementation of landscaping and mitigation planting**

**9.**—(1) The scheme for mitigation planting and landscape strategy referred to in requirement 8 (landscaping and mitigation planting) must be implemented as approved, by no later than the first available planting season after the authorised development is first brought into operational use and carried out to a reasonable standard in accordance with the relevant recommendations of the appropriate British Standard or other recognised codes of good practice.

(2) Any tree or shrub planted as part of an approved mitigation planting scheme or landscape strategy that, within a period of five years after planting, is removed, dies or becomes in the opinion of the relevant planning authority seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same species and size as that originally planted, unless otherwise approved by the relevant planning authority.

### **Retention and protection of existing trees**

**10.**—(1) No stage of the authorised development may commence until, for that stage, a tree and hedgerow protection strategy (THPS) as referred to in requirement 6 (outline construction management plans) and prepared in accordance with the Arboricultural Impact Assessment report (Document 5.3.3I) and BS 5837:2012 (Trees in relation to design, demolition and construction) identifying the trees and groups of trees to be retained during that stage has been submitted to and approved by the relevant planning authority.

(2) The THPS referred to in paragraph (1) must include—

- (a) tree protection plans detailing the alignment of temporary physical tree protection measures according to BS 5837:2012;
- (b) a schedule of all proposed tree and hedgerow removal and management;
- (c) specifications for temporary physical protection for trees; and
- (d) details of an auditable system of compliance with the approved protection measures.

(3) The trees and groups of trees identified in the THPS referred to in paragraph (1) must not be felled in connection with the construction of the authorised development.



(4) The relevant stage of the authorised development must not commence until the approved protection measures referred to in paragraph (1) are in place, and they must thereafter be maintained during the construction of the relevant stage of the authorised development unless otherwise agreed in writing with the relevant planning authority.

### **Reinstatement schemes**

11.—(1) Subject to paragraph (2), any land within the Order limits which is used temporarily for construction is to be reinstated to its former condition, or such condition as the relevant planning authority may approve, within twelve months of completion of construction of the stage of authorised development for which it was required, or such further time as may be approved by the relevant planning authority.

(2) The requirement to reinstate the land to its former condition is subject to the provisions of articles 36 (temporary use of land by National Grid), 37 (temporary use of land by NPG), 38 (temporary use of land by NGN) and article 39 (temporary use of land for maintaining the authorised development).

### **Contamination of land or groundwater and controlled waters**

12.—(1) If during any stage of the authorised development, contamination within the Order limits is identified as a result of the confirmatory ground investigations or unexpected contamination discovery procedures described in chapter 10, Geology and Hydrogeology, of the environmental statement (Document 5.4.10) and the code of construction practice, and this contamination is considered to present a significant possibility of significant harm to persons or pollution of controlled waters or the environment then, except in the case of emergency, no further development in the vicinity of the contamination may be carried out until a written scheme to identify the extent of the contamination and any mitigation or remedial measures to be taken to render the land fit for its intended purpose has been submitted to and approved by the relevant local planning authority, following consultation with the Environment Agency.

(2) Should mitigation or remedial measures be required then they must be carried out in accordance with the approved scheme referred to in paragraph (1) and, if remedial measures are required, their implementation and validation documented in a verification report submitted to the local planning authority.

(3) In this requirement (contamination of land or groundwater and controlled waters), “controlled waters” has the same meaning as in Part 2A of the Environmental Protection Act 1990(a).

### **Removal of temporary bridges and culverts**

13. Any temporary bridge or culvert required in connection with any stage of the authorised development must be removed within twelve months of completion of the construction of that stage of authorised development for which it was required, or such further time as may be approved by the relevant planning authority, after consultation with the Environment Agency or the relevant drainage authority as appropriate.

### **Highway works**

14.—(1) No work to construct or temporarily alter any new or existing means of access to a highway to be used by vehicular traffic may commence until written details of 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 paragraph (1) unless otherwise agreed in writing with the relevant highway authority.

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(a) 1990 c. 43.

### **Removal of existing overhead line**

15. All sections of existing overhead line to be dismantled must be removed no later than 12 months after the authorised development is first brought into operational use unless otherwise agreed in writing with the relevant planning authority.

### **Decommissioning**

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

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

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

### **Clearance over the River Ouse**

17. No part of any overhead electric line shall be installed or maintained directly above the River Ouse at a height of less than 10 metres above the mean high water level of that river.

## DISCHARGE OF REQUIREMENTS

**Applications made under requirements**

1.—(1) Where an application has been made to a relevant authority for any consent, agreement or approval required under Schedule 3 (requirements), the relevant authority must give notice to the undertaker of its decision on the application within a period of 35 days beginning with—

- (a) where no further information is requested under paragraph 1(2), the day immediately following that on which the application is received by the authority;
- (b) where further information is requested under paragraph 1(2), the day immediately following that on which further information has been supplied by the undertaker; or
- (c) such longer period as may be agreed in writing by the undertaker and the relevant authority.

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

(3) If the relevant authority considers further information is necessary and the Requirement does not specify that consultation with a requirement consultee is required, the relevant authority must, within 7 business days of receipt of the application, notify the undertaker in writing specifying the further information required.

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

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

**Fees**

2.—(1) Where an application is made to a relevant planning authority for any consent, agreement or approval required under Schedule 3 (requirements), a fee must be paid to the relevant planning authority as follows—

- (a) a fee of £116 per request; or
- (b) such other fee as may be prescribed (under sections 303 (fees for planning applications etc.) and 333(2A) (regulations and orders) of the 1990 Act for the discharge of conditions attached to a planning permission).

(2) Any fee paid under this Schedule must be refunded to the undertaker within 35 days of—

- (a) the application being rejected as invalidly made; or
- (b) the relevant planning authority failing to determine the application within 35 days from the date on which it is received, unless within that period the undertaker agrees in writing that the fee may be retained by the relevant planning authority and credited in respect of a future application.

**Appeals**

3.—(1) The undertaker may appeal if—

- (a) the relevant authority refuses an application for any consent, agreement or approval required by—
    - (i) a Requirement and any document referred to in any Requirement; or
    - (ii) any other consent, agreement or approval required under this Order, or grants it subject to conditions to which the undertaker objects;
  - (b) the relevant authority does not give notice of its decision to the undertaker within the period specified in paragraph 1(1) (applications made under requirements);
  - (c) having received a request for further information under paragraph 1(3) (applications made under requirements) the undertaker considers that either the whole or part of the specified information requested by the relevant authority is not necessary for consideration of the application; or
  - (d) having received any further information requested, the relevant authority notifies the undertaker that the information provided is inadequate and requests additional information which the undertaker considers is not necessary for consideration of the application.
- (2) The procedure for appeals is as follows—
- (a) the undertaker must submit to the Secretary of State a copy of the application submitted to the relevant authority and any supporting documents which the undertaker may wish to provide (“the appeal documents”);
  - (b) the undertaker must on the same day provide copies of the appeal documents to the relevant authority and the requirement consultee (if applicable);
  - (c) as soon as is practicable after receiving the appeals documents the Secretary of State must appoint a person to determine the appeal (“the appointed person”) and notify the appeal parties of the identity of the appointed person and the address to which all correspondence for the appointed person must be sent;
  - (d) the relevant authority and the requirement consultee (if applicable) may submit any written representations in respect of the appeal to the appointed person within 10 business days beginning with the first day immediately following the date on which the appeal parties are notified of the appointment of the appointed person and must ensure that copies of their written representations are sent to each other and to the undertaker on the day on which they are submitted to the appointed person;
  - (e) the appeal parties may make any counter-submissions to the appointed person within 10 business days beginning with the first day immediately following the date of receipt of written representations pursuant to paragraph (d) above; and
  - (f) the appointed person must make a decision and notify it to the appeal parties, with reasons, as soon as reasonably practicable.
- (3) If the appointed person considers that further information is necessary to consider the appeal, the appointed person must as soon as practicable notify the appeal parties in writing specifying the further information required, the appeal party from whom the information is sought, and the date by which the information must be submitted.
- (4) Any further information required pursuant to sub-paragraph (3) must be provided by the party from whom the information is sought to the appointed person and to the other appeal parties by the date specified by the appointed person.
- (5) The appeal parties may submit written representations to the appointed person concerning matters contained in the further information.
- (6) Any such representations must be submitted to the appointed person and made available to all appeal parties within 10 business days of the date mentioned in sub-paragraph (3).

**Outcome of appeals**

- 4.—(1) On an appeal under paragraph 3 (appeals), the appointed person may—
- (a) allow or dismiss the appeal; or

(b) reverse or vary any part of the decision of the relevant authority (whether the appeal relates to that part of it or not), and may deal with the application as if it had been made to the appointed person in the first instance.

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

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

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

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

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

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

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

(9) In considering whether to make any such direction as to the costs of the appeal parties and the terms on which it is made, the appointed person must have regard to the Planning Practice Guidance or any guidance which may from time to time replace it.

#### **Interpretation of Schedule 4**

**5.** In this Schedule—

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

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

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

## SCHEDULE 5

Article 3, 6 and 7

### BENEFIT OF THE ORDER RULES

#### *NPG Works*

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

2. If NPG fails to carry out any of the NPG Works in accordance with National Grid's consent, National Grid may give NPG and the Secretary of State notice that National Grid intends to carry out the NPG Works.

3. On the date specified in any notice under paragraph (2) of this schedule—

- (a) NPG is to cease to have the benefit of sub-paragraph (1) of article 3 (development consent etc. granted by the Order) and sub-paragraph (1) of article 6 (benefit of the Order);
- (b) NPG is to cease to be an undertaker for the installation of the NPG Works but remains an undertaker for the purposes of keeping installed and maintaining the electric lines included in the NPG Works; and
- (c) references to NPG in article 39 (temporary use of land for maintaining the authorised development) are to be read as including National Grid.

4. Where a notice is issued under paragraph (2), paragraph (3) does not affect the following insofar as they apply to NPG—

- (a) the operation of the following articles of this Order—
  - (i) article 3(3)(b), (5) and (6);
  - (ii) article 4(2);
  - (iii) article 5;
  - (iv) article 6; and
- (b) works done and actions undertaken prior to the date specified in that notice.

#### *NGN Works*

5. NGN may not carry out the NGN Works under sub-paragraph (4)(a) of article 3 (development consent etc. granted by the Order) except in accordance with the written consent of National Grid, which may be granted subject to reasonable conditions.

6. If NGN fails to carry out any of the NGN Works in accordance with National Grid's consent, National Grid may give NGN and the Secretary of State notice that National Grid intends to carry out the NGN Works.

7. On the date specified in any notice under paragraph (6) of this schedule—

- (a) NGN is to cease to have the benefit of sub-paragraph (1) of article 3 (development consent etc. granted by the Order) and sub-paragraph (1) of article 6 (benefit of the Order);
- (b) NGN is to cease to be an undertaker for the installation of the NGN Works but remains an undertaker for the purposes of keeping installed the underground gas pipelines included in the NGN Works; and
- (c) references to NGN in article 39 (temporary use of land for maintaining the authorised development) are to be read as including National Grid.

**8.** Where a notice is issued under paragraph (6), paragraph (7) does not affect the following insofar as they apply to NGN—

- (a) the operation of the following articles of this Order—
  - (i) article 3(4)(b), (5) and (7);
  - (ii) article 4(2);
  - (iii) article 5;
  - (iv) article 6; and
- (b) works done and actions undertaken prior to the date specified in that notice.

*General*

**9.** The exercise by NPG or NGN of any benefits or rights conferred on it by this Order is subject to the same restrictions, liabilities and obligations as would apply under this Order if those benefits or rights were exercised by National Grid.

**10.** Article 53 (arbitration) has effect in relation to any dispute under the terms of this schedule.

## SCHEDULE 6

Article 11

### STREETS SUBJECT TO STREET WORKS

<i>(1) Authority</i>	<i>(2) Street subject to street works</i>
City of York Council	Planville Lane
North Yorkshire County Council/City of York Council	C92 (Corban Lane)
North Yorkshire County Council	U1720 (ORPA)
North Yorkshire County Council/City of York Council	A19 (Main Street)
North Yorkshire County Council	U1724 (Overton Road)
North Yorkshire County Council/City of York Council	U1724 (Stripe Lane)
City of York Council	Common Croft Lane
North Yorkshire County Council	U3396 (Church Lane)
North Yorkshire County Council	U3397 (Red House Lane)
North Yorkshire County Council	A59 (Roman Road)
North Yorkshire County Council	C283 (Marston Lane)
North Yorkshire County Council	C283 (Atterwith Lane)
North Yorkshire County Council	C273 (Tockwith Road)
North Yorkshire County Council	B1224 (Weatherby Road)
North Yorkshire County Council	U737 (Healaugh Lane)
North Yorkshire County Council	C268 (Wighill Lane)
North Yorkshire County Council	C288 (Wighill Lane)
North Yorkshire County Council	A659 (Kelcbar Hill)
North Yorkshire County Council	A659 (Roman Road)
North Yorkshire County Council	C305 (Garnet Lane)
North Yorkshire County Council	A659/A64 West Bound On Slip Road
North Yorkshire County Council	B1217
North Yorkshire County Council	U785 (Coldhill Lane)
North Yorkshire County Council	C311 (Coldhill Lane)
North Yorkshire County Council	U1092 (Laith Staid Lane)
North Yorkshire County Council	B1222
North Yorkshire County Council	C320 (Whitecote Lane)
North Yorkshire County Council	U1288 (Westfield Lane)
North Yorkshire County Council	A63
North Yorkshire County Council	U1038 (Rawfield Lane)



## SCHEDULE 7

Article 13

### STREETS SUBJECT TO ALTERATION OF LAYOUT

#### PART 1

#### STREETS SUBJECT TO PERMANENT ALTERATION OF LAYOUT

*North Yorkshire County Council*

<i>(1) Street subject to alteration of layout</i>	<i>(2) Description of alteration of layout as shown on the access, rights of way and public rights of navigation plan</i>
Overton Road	Provision of carriageway widening to aid heavy goods vehicle manoeuvres and access/egress to the proposed Overton Substation. Works comprising site clearance, construction of new road surface, white lining, kerbing and a suitable drainage system as required as shown as JW02 Section B, Sheet 2.
U1720 (ORPA)	At bellmouth AP98 as shown on Section B, Sheet 1 the creation of an access point of sufficient size to accommodate access and egress of vehicles for operation and maintenance requirements of the site. Works comprising site clearance, construction of new road surface, white lining, kerbing and a suitable drainage system as required.
A659	At bellmouth AP31 as shown on Section D Sheet 1 the creation of an access point of sufficient size to accommodate access and egress of vehicles for operation and maintenance requirements. Works comprising site clearance, construction of new road surface, white lining, kerbing and a suitable drainage system as required.
Garnet Lane	At bellmouth AP34 as shown on Section D Sheet 1 the creation of an access point of sufficient size to accommodate access and egress of vehicles for operation and maintenance requirements. Works comprising site clearance, construction of new road surface, white lining, kerbing and a suitable drainage system as required.
Rawfield Lane	At bellmouth AP3 as shown on Section F Sheet 1 the creation of an access point of sufficient size to accommodate access and egress of vehicles for operation and maintenance requirements. Works comprising site clearance, construction of new road surface, white lining, kerbing and a suitable drainage system as required.
Overton Road	At bellmouth AP89 as shown on Section B Sheet <del>3</del> <u>2</u> the creation of an access point of

	sufficient size to accommodate access and egress of vehicles for operation and maintenance requirements. Works comprising site clearance, construction of new road surface, white lining, kerbing and a suitable drainage system as required.
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## PART 2

### STREETS SUBJECT TO TEMPORARY ALTERATION OF LAYOUT

*City of York Council*

<i>(1) Street subject to alteration of layout</i>	<i>(2) Description of alteration of layout as shown on the access, rights of way and public rights of navigation plan</i>
Planville Lane	At AP101 as shown on Section B, Sheet 1 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
At the Junction of Corban Lane/U1720 (ORPA)	At JW01 (adjacent to AP95) as shown on Section B, Sheet 1 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
Corban Lane	At AP94 as shown on Section B, Sheet 1 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
Common Croft Lane	At AP78 as shown on Section B, Sheet 4 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.

*North Yorkshire County Council*

<i>(1) Street subject to alteration of layout</i>	<i>(2) Description of alteration of layout as shown on the access, rights of way and public rights of navigation plan</i>
U1720 (ORPA)	Between AP95 and AP98 on Section B, Sheet 1 the provision of passing places to allow for safe two way passage of traffic.
U1720 (ORPA)	At AP96 as shown on Section B, Sheet 1 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
U1720 (ORPA)	At AP97 as shown on Section B, Sheet 1 the

	creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
A19	At AP93 as shown on Section B, Sheet 3 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
A19	At AP91 as shown on Section B, Sheet 2 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
Overton Road	At AP86 as shown on Section B, Sheet 2 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
Overton Road	At AP87 as shown on Section B, Sheet 2 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
Overton Road	At AP90 as shown on Section B, Sheet 2 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
Overton Road	At AP82 as shown on Section B, Sheet 3 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
Overton Road	At AP84 as shown on Section B, Sheet 3 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
Overton Road	At AP85 as shown on Section B, Sheet 3 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
Stripe Lane	At AP80 as shown on Section B, Sheet 3 the creation of temporary bellmouth to enable access/egress with sufficient size to

	accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
Stripe Lane	At AP81 as shown on Section B, Sheet 3 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
Church Lane	At AP77 as shown on Section <u>BC</u> , Sheet <u>5-1</u> the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
Church Lane	At AP74 as shown on Section <u>BC</u> , Sheet <u>5-1</u> the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
A59	At AP72 as shown on Section C, Sheet 1 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
Marston Lane	At AP68 as shown on Section C, Sheet 2 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
Marston Lane	At AP69 as shown on Section C, Sheet 2 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
Marston Lane	At AP70 as shown on Section C, Sheet 2 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
Marston Lane	At AP71 as shown on Section C, Sheet 2 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
Atterwith Lane	At AP65 as shown on Section C, Sheet 3 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a

	suitable drainage system.
Atterwith Lane	At AP66 as shown on Section C, Sheet 3 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
Tockwith Road	At AP62 as shown on Section C, Sheet 3 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
Tockwith Road	At AP63 as shown on Section C, Sheet 3 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
Tockwith Road	At AP64 as shown on Section C, Sheet 3 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
B1224 Weatherby Road	At AP61 as shown on Section C, Sheet 4 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
Healaugh Lane	At AP59 as shown on Section C, Sheet 4 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
Wighill Lane	At AP56 as shown on Section C, Sheet 6 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
Wighill Lane	At AP55 as shown on Section C, Sheet 6 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
Wighill Lane	At AP54 as shown on Section C, Sheet 7 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
Wighill Lane	At AP53 as shown on Section C, Sheet 7 the

	creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
Wighill Lane	At AP52 as shown on Section C, Sheet 8 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
Wighill Lane	At AP50 as shown on Section C, Sheet 8 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
Wighill Lane	At AP49 as shown on Section C, Sheet 8 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
A659	At AP45 as shown on Section C, Sheet 8 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
A659	At AP47 as shown on Section C, Sheet 8 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
A659	At AP44 as shown on Section C, Sheet 9 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
A659	At AP41 as shown on Section C, Sheet 9 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
Garnet Lane	At AP33 as shown on Section D, Sheet 1 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
A659	At AP29 as shown on Section D, Sheet 1 the creation of temporary bellmouth to enable access/egress with sufficient size to

	accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
A659	At AP30 as shown on Section D, Sheet 1 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
A659	At AP32 as shown on Section D, Sheet 1 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
A659/A64 Onslip Road	At AP28 as shown on Section D, Sheet 1 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
B1217 Wakefield Road	At AP26 as shown on Section FE, Sheet 3 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
Coldhill Lane	At AP22 as shown on Section FE, Sheet 3 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
Coldhill Lane	At AP21 as shown on Section FE, Sheet 4 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
Coldhill Lane	At AP20 as shown on Section FE, Sheet 4 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
Laith Staid Lane	At AP18 as shown on Section E, Sheet 5 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
Laith Staid Lane	At AP19 as shown on Section E, Sheet 5 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a

	suitable drainage system.
B1222	At AP17 as shown on Section E, Sheet 5 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
B1222	At AP16 as shown on Section E, Sheet 6 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
B1222	At AP14 as shown on Section E, Sheet 6 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
Whitecote Lane	At AP11 as shown on Section E, Sheet 6 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
Westfield Lane	At AP10 as shown on Section E, Sheet 7 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
Westfield Lane	At AP9 as shown on Section E, Sheet 7 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
A63	At AP7 as shown on Section <del>F</del> E, Sheet <del>1</del> 7 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
A63	At AP6 as shown on Section F, Sheet 1 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
Rawfield Lane	At AP5 as shown on Section F, Sheet 1 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
Rawfield Lane	At AP4 as shown on Section F, Sheet 1 the



	creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.
Rawfield Lane	At AP2 as shown on Section F, Sheet 1 the creation of temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface and a suitable drainage system.

SCHEDULE 8

Article 14

STREETS, CYCLE TRACKS OR PUBLIC RIGHTS OF WAY TO BE TEMPORARILY STOPPED UP

PART 1

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

<i>(1) Area</i>	<i>(2) Street, cycle track or public right of way to be temporarily stopped up</i>	<i>(3) Extent of temporary stopping up as shown on the access, rights of way and public rights of navigation plan</i>	<i>(4) Temporary diversion as shown on the access, rights of way and public rights of navigation plan</i>
City of York Council and North Yorkshire County Council	U1720 (ORPA)	Between points RWS01 and RWS02 as shown on Section B, Sheet 1	Between points RWD01 and RWD02 as shown on Section B, Sheet 1.
North Yorkshire County Council	35.55/5/1	Between points RWS03 and RWS04 as shown on Section E, Sheet 3	Between points RWD03 and RWD04 as shown on Section E, Sheet 3.

PART 2

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

<i>(1) Area</i>	<i>(2) Street, cycle track or public right of way to be temporarily stopped up</i>	<i>(3) Extent of temporary stopping up as shown on the access, rights of way and public rights of navigation plan</i>
North Yorkshire County Council	10.129/U1720/50	Between points RW01 to RW02 as shown on Section B, Sheet 1
City of York Council	11/8/40; 11/8/30 and 11/8/20	Between points RW03 to RW04 as shown on Section B, Sheet 1
North Yorkshire County Council	10.115/2/3 and 10.115/4/1	Between points RW05 to RW06 as shown on Section B, Sheet 3
City of York Council	10/3/2020	Between points RW07 to RW08 as shown on Section B, Sheet 3
City of York Council	10/1/10 and 10/2/10	Between points RW09 to RW10 as shown on Section B, Sheet 4
North Yorkshire County Council	15.95/5/2 and 15.95/3	Between points RW11 to RW12 as shown on Section B, Sheet 5
North Yorkshire County Council	15.95/2/3 and 15.95/6/1	Between points RW13 to RW14 as shown on Section B, Sheet 5
North Yorkshire County Council	15.95/7/1	Between points RW15 to RW16 as shown on Section C, Sheet 2

North Yorkshire County Council	15.83/1/1	Between points RW17 to RW18 as shown on Section C, Sheet 3
North Yorkshire County Council	35.33/1/1; 35.33/1/2; and 15.10/4/1	Between points RW19 to RW20 as shown on Section C, Sheet 5
North Yorkshire County Council	35.33/6/7	Between points RW21 to RW22 as shown on Section C, Sheet 8
North Yorkshire County Council	35.64/1/1; 35.64/17/1; and 35.50/3/1	Between points RW23 to RW24 as shown on Section C, Sheet 8
North Yorkshire County Council	35.64/13/2 and 35.64/13/3	Between points RW25 to RW26 as shown on Section C, Sheet 9
North Yorkshire County Council	35.63/6/3	Between points RW27 to RW28 as shown on Section E, Sheet 1
North Yorkshire County Council	35.44/4/1; 35.44/1/2; 35.63/3/1; and 35.55/6/1	Between points RW29 to RW30 as shown on Section E, Sheets 1 and 2
North Yorkshire County Council	35.44/1/1	Between points RW31 to RW32 as shown on Section E, Sheet 3 of the Access and Rights of Way Plan
North Yorkshire County Council	35.55/5/1	Between points RW33 to RW34 as shown on Section E, Sheet 3
North Yorkshire County Council	35.4/1/1	Between points RW35 to RW36 as shown on Section E, Sheet 4
North Yorkshire County Council	35.59/U1315/30	Between points RW37 to RW38 as shown on Section E, Sheet 7 of the Access and Rights of Way Plan
North Yorkshire County Council	35.59/26/1	Between points RW39 to RW40 as shown on Section E, Sheet 7
North Yorkshire County Council	35.59/U1289/70 and 35.59/13/1	Between points RW41 to RW42 as shown on Section E, Sheet 7

**SCHEDULE 9**  
**ACCESS TO WORKS**

Article 16

**PART 1**  
**CITY OF YORK COUNCIL**

<i>(1) Street name</i>	<i>(2) Access reference as shown on the access, rights of way and public rights of navigation plan</i>	<i>(3) Plan Reference for the access, rights of way and public rights of navigation plan</i>
Common Croft Lane	AP78	Section B, Sheet 4
A19	AP93	Section B, Sheet 3
Corban Lane	AP94, AP95	Section B, Sheet 1
Plainville Lane	AP101, AP102	Section B, Sheet 1
Murton Way	AP103, AP104	Section A, Sheet 1

**PART 2**  
**LEEDS CITY COUNCIL**

<i>(1) Street name</i>	<i>(2) Access reference as shown on the access, rights of way and public rights of navigation plan</i>	<i>(3) Plan Reference for the access, rights of way and public rights of navigation plan</i>
Warren Lane	AP36, AP37, AP38	Section D, Sheet 2 of the Access and Rights of Way plans

**PART 3**  
**NORTH YORKSHIRE COUNTY COUNCIL**

<i>(1) Street name</i>	<i>(2) Access reference as shown on the access, rights of way and public rights of navigation plan</i>	<i>(3) Plan Reference for the access, rights of way and public rights of navigation plan</i>
A162	AP1	Section F, Sheet 1
Rawfield Lane	AP2, AP3, AP4, AP5	Section F, Sheet 1
A63	AP6	Section F, Sheet 1
A63	AP7	Section E, Sheet 7
Red Hill Lane	AP8	Section E, Sheet 7
Westfield Lane	AP9, AP10	Section E, Sheet 7
Whitecote Lane	AP11, AP12	Section E, Sheet 6
B1222	AP13, A14, AP15, AP16	Section E, Sheet 6
B1222	AP17	Section E, Sheet 5
Laith Staid Lane	AP18, AP19	Section E, Sheet 5
Coldhill Lane	AP20, AP21	Section E, Sheet 4

Coldhill Lane	AP22, AP23, AP24	Section E, Sheet 3
B1217	AP25, AP26	Section E, Sheet 3
B1217	AP27	Section E, Sheet 2
A64/A659 Westbound Onslip	AP28	Section D, Sheet 1
A659	AP29, AP30, AP31, AP32	Section D, Sheet 1
Garnet Lane	AP33, AP34, AP35	Section D, Sheet 1 of the Access and Rights of Way Plans
C305/Garnet Lane	AP39	Section D, Sheet 1
A659	AP40, AP41, AP42, AP43, AP44	Section C, Sheet 9
A659	AP45, AP46, AP47	Section C, Sheet 8
Wighill Lane	AP48, AP49, AP50, AP51, AP52	Section C, Sheet 8
Wighill Lane	AP53, AP54	Section C, Sheet 7
Wighill Lane	AP55, AP56, AP57	Section C, Sheet 6
Healaugh Lane	AP58	Section C, Sheet 5
Healaugh Lane	AP59	Section C, Sheet 4
B1224	AP60, AP61	Section C, Sheet 4
Tockwith Road	AP62, AP63, AP64	Section C, Sheet 3
Atterwith Lane	AP65, AP66	Section C, Sheet 3
Marston Lane	AP67, AP68, AP69, AP70, AP71	Section C, Sheet 2
A59	AP72	Section C, Sheet 1
Red House Lane	AP73	Section C, Sheet 1
Church Lane	AP74, AP75, AP76, AP77	Section C, Sheet 1
Overton Road	AP82, AP83, AP84, AP85, AP86, AP87	Section B, Sheet 3
Overton Road	AP88, AP89, AP90	Section B, Sheet 2
A19	AP91, AP92	Section B, Sheet 2
Stripe Lane	AP79, AP80, AP81	Section B, Sheet 3
U1720 (ORPA)	AP96, AP97, AP98, AP99	Section B, Sheet 1
Bull Lane	AP100	Section B, Sheet 1

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

### Compensation enactments

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

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

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

(3) For section 58(1)(b) (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 of this Schedule, substitute—

“(1) In determining under section 8(1) or 34(2) of the Compulsory Purchase Act 1965, or section 166(2) of the Town and Country Planning Act 1990 whether—

- (a) a right over or a restrictive covenant affecting land consisting of a house, building or manufactory can be taken or imposed without material detriment or damage to the house, building or manufactory; or
- (b) a right over or a restrictive covenant affecting land consisting of a park or garden belonging to a house can be taken or imposed without seriously affecting the amenity or convenience of the house,

the Upper Tribunal must take into account not only the effect of the acquisition of the right or imposition of the restrictive covenant but also the use to be made of the right or restrictive covenant proposed to be acquired or imposed, and, in a case where the right or restrictive covenant is proposed to be acquired or imposed for works or other purposes extending to other land, the effect of the whole of the works and the use to be made of the other land.”

### 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 under this Order 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—

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(a) 1973 c. 26.  
 (b) Section 58(1) was amended by section 16(3) of, the Compulsory Purchase (Vesting Declarations) Act 1981 (c. 66), section 4 of, and paragraph 29(1) of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c. 11) and S.I. 2009/1307.

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

(2) Without limitation on the scope of sub-paragraph (1), Part 1 of the 1965 Act applies in relation to the compulsory acquisition under this Order of a right by the creation of a new right or, in relation to the imposition of a restriction, with the modifications specified in the following provisions of this Schedule.

4. For section 7 of the 1965 Act (measure of compensation) substitute—

“7. In assessing the compensation to be paid by the acquiring authority under this Act, regard must be had not only to the extent (if any) to which the value of the land over which the right is to be acquired or the restrictive covenant is to be imposed is depreciated by the acquisition of the right or the imposition of the covenant but also to the damage (if any) to be sustained by the owner of the land by reason of its severance from other land of the owner, or injuriously affecting that other land by the exercise of the powers conferred by this or the special Act.”

5. For section 8 of the 1965 Act (provisions as to divided land) substitute—

“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 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 that 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 National Grid (Yorkshire Green Energy Enablement Project ) Development Consent Order 20[XX](a) (“the Order”) ceases, in relation to that person, to authorise the purchase of the right or imposition of a restriction and is 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.”

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(a) S.I. 20[XX].

6. The following provisions of the 1965 Act (which state the effect of a deed poll executed in various circumstances where there is no conveyance by persons with interests in the land), that is to say—

- (a) section 9(4) (failure by owners to convey);
- (b) paragraph 10(3) of Schedule 1 (owners under incapacity);
- (c) paragraph 2(3) of Schedule 2 (absent and untraced owners); and
- (d) paragraphs 2(3) and 7(2) of Schedule 4 (common land),

are modified to secure that, as against persons with interests in the land which are expressed to be overridden by the deed, the right which is to be compulsorily acquired or the restrictive covenant which is to be imposed is vested absolutely in the acquiring authority.

7. Section 11(a) of the 1965 Act (powers of entry) is modified to secure that, as from the date on which the acquiring authority has served notice to treat in respect of any right or restriction, it has power, exercisable in equivalent circumstances and subject to equivalent conditions, to enter for the purpose of exercising that right or enforcing that restrictive covenant (which is deemed for this purpose to have been created on the date of service of the notice); and sections 12(b) (penalty for unauthorised entry) and 13(c) (entry on warrant in the event of obstruction) of the 1965 Act are modified correspondingly.

8. Section 20(d) of the 1965 Act (protection for interests of tenants at will, etc.) applies with the modifications necessary to secure that persons with such interests in land as are mentioned in that section are compensated in a manner corresponding to that in which they would be compensated on a compulsory acquisition under this Order of that land, but taking into account only the extent (if any) of such interference with such an interest as is actually caused, or likely to be caused, by the exercise of the right or the enforcement of the restrictive covenant in question.

9. Section 22 of the 1965 Act (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 acquired or to enforce the restriction imposed, subject to compliance with that section as respects compensation.

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- (a) Section 11 was amended by section 34(1) of, and Schedule 4, paragraph 14(3)(a) to, the Acquisition of Land Act 1981 (c. 67), section 3 of, and Part 1 of Schedule 1 to, the Housing (Consequential Provisions) Act 1985 (c. 71), section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (No.1) and S.I. 2009/1307.
  - (b) Section 12, and 12(3) were amended by section 56(2) of, and Part 1 of Schedule 9 to, the Courts Act 1971 (c. 23).
  - (c) Section 13 was amended by sections 62(3), 139(4) to (9) and 146 of, and paragraphs 27 and 28 of Schedule 13 and Part 3 of Schedule 23 to, the Tribunals, Courts and Enforcement Act 2007 (c. 15).
  - (d) Section 20 was amended by paragraph 4 of Schedule 15(1) to the Planning and Compensation Act 1991 (c. 34) and S.I. 2009/1307, Schedule 1, paragraph 70.



SCHEDULE 11

Article 27

EXTINGUISHMENT OF PRIVATE RIGHTS AND RESTRICTIVE COVENANTS RELATING TO APPARATUS REMOVED FROM LAND SUBJECT TO TEMPORARY POSSESSION

PART 1

NATIONAL GRID

<i>(1) Area</i>	<i>(2) Plot</i>
City of York Council	A1-02, A1-03, B3-59, B3-62, B3-64, B3-68
City of York Council and County of North Yorkshire Council	B3-33, B3-58, B4-25
County of North Yorkshire Council	B3-29, B3-30, B3-32, B3-34, B3-39, B3-40, B3-41, B3-46, B3-49, B3-52, B3-54, B3-55, B3-56, B3-57, B5-03, B5-04, B5-05, B5-06, B5-08, B5-11, B5-12, B5-15, B5-24, B5-27, B5-28, B5-29, B5-30, B5-33, E7-19, E7-35, E7-36, E7-37, E7-38, E7-39, E7-40, E7-41, E7-43, E7-44, E7-46, E7-48, E7-49, E7-53, F1-05, F1-07, F1-23, F1-24, F1-29, F1-31, F1-33, F1-36

PART 2

NPG

<i>(1) Area</i>	<i>(2) Plot</i>
City of York Council	B3-68

## SCHEDULE 12

Articles 36, 37 and 38

### LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

#### PART 1

#### NATIONAL GRID

City of York Council

<i>(1) Plot number of land shown on land plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
B1-20, B1-21, B1-36, B1-39	Temporary use for construction, mitigation, maintenance dismantling and/or access	Work No. 2	
B2-02, B2-04, B2-11, B2-16, B2-17	Temporary use for construction, mitigation, maintenance dismantling and/or access	Work No. 3	
B2-06, B2-12, B2-21	Temporary use for construction, mitigation, maintenance dismantling and/or access	Work No. 4	
B3-03, B3-05, B3-06	Temporary use for construction, mitigation, maintenance dismantling and/or access	Work Nos. 5, U4	
B3-58, B3-59	Temporary use for dismantling of redundant electrical infrastructure	Work No. 6	
B3-62	Temporary use for dismantling of redundant electrical infrastructure	Work No. 6	Removal of pylon foundations only to a depth of 1.5 metres
B3-63, B4-06, B4-09, B4-10, B4-12, B4-14, B4-18, B4-19, B4-23, B4-24	Temporary use for construction, mitigation, maintenance dismantling and/or access	Work No. 6	

North Yorkshire County Council

<i>(1) Plot number of land shown on land plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
B1-19	Temporary use for construction, mitigation, maintenance dismantling and/or access	Work Nos. 2, U1	
B1-20, B1-21, B1-22	Temporary use for construction, mitigation, maintenance dismantling and/or access	Work No. 2	
B1-25	Temporary use for construction, mitigation, maintenance dismantling and/or access	Work No. 2	Removal of pylon foundations only to a depth of 1.5 metres
B1-39, B1-40, B1-41, B1-45, B1-54, B1-55	Temporary use for construction, mitigation, maintenance dismantling and/or access	Work No. 2	
B2-06, B2-12, B2-14, B2-21, B2-28, B2-34, B2-48, B2-49, B2-55, B2-61, B2-64, B2-70, B2-71	Temporary use for construction, mitigation, maintenance dismantling and/or access	Work No. 4	
B2-16, B2-17, B2-20, B2-22	Temporary use for construction, mitigation, maintenance dismantling and/or access	Work No. 3	
B2-31, B3-25	Temporary use for construction, mitigation, maintenance dismantling and/or access	Work No. 5	
B3-29, B3-30, B3-32, B3-34	Temporary use for dismantling of redundant electrical infrastructure	Work No. 5	
B3-39, B3-40, B3-41, B3-49, B3-58	Temporary use for dismantling of redundant electrical infrastructure	Work No. 6	
B3-31, B3-44, B3-45,	Temporary use for	Work No. 6	

B3-73, B5-21, B5-58, B5-59	access		
B3-40, B3-46, B3-52, B3-57	Temporary use for dismantling of redundant electrical infrastructure	Work No. 6	Removal of pylon foundations only to a depth of 1.5 metres
B3-54, B3-55	Temporary use for dismantling of redundant electrical infrastructure	Work No. 6	
B4-14, B4-18, B4-23, B4-24, B5-02, B5-06, B5-10, B5-16, B5-28, B5-29, B5-30, B5-37, B5-38, B5-39	Temporary use for construction, mitigation, maintenance dismantling and/or access	Work No. 6	
B5-03, B5-27	Temporary use for construction, mitigation, maintenance dismantling and/or access	Work No. 6	Removal of pylon foundations only to a depth of 1.5 metres
B5-24	Temporary use for construction, mitigation, maintenance dismantling and/or access	Work No. 6	Removal of 2x pylon foundations only to a depth of 1.5 metres
C9-28	Temporary use for construction, mitigation, maintenance dismantling and/or access	Work Nos. 7, U8	
C9-37, C9-40	Temporary use for access	Work No. 8	
D1-18, D1-21, D1-69, D1-70, D1-72, D1-80, D1-81	Temporary use for construction, mitigation, maintenance dismantling and/or access	Work Nos. 8, U9	
D1-26, D1-53	Temporary use for construction, mitigation, maintenance dismantling and/or access	Work No. 8	Removal of pylon foundations only to a depth of 1.5 metres
D1-34, D1-37, D1-47, D1-62, D1-78, D1-83	Temporary use for construction, mitigation, maintenance dismantling and/or access	Work No. 8	
D1-35, D1-85	Temporary use for construction,	Work Nos. 8, U10	

	mitigation, maintenance dismantling and/or access		
E2-06, E2-07	Temporary use for construction, mitigation, maintenance dismantling and/or access	Work Nos. 9, U11	
E4-12	Temporary use for construction, mitigation, maintenance dismantling and/or access	Work No. 9	
E6-13, E6-31	Temporary use for construction, mitigation, maintenance dismantling and/or access	Work Nos. 9, U15	
E7-16	Temporary use for construction, mitigation, maintenance dismantling and/or access	Work No. 11	
E7-27, E7-34, E7-37, E7-42, E7-43, F1-16, F1-26, F1-29, F1-31, F1-32, F1-34, F1-35, F1-37, F1-38	Temporary use for construction, mitigation, maintenance dismantling and/or access	Work No. 10	
E7-35	Temporary use for construction, mitigation, maintenance dismantling and/or access	Work No. 10	Removal of pylon foundations only to a depth of 1.5 metres
F1-09	Temporary use for construction, mitigation, maintenance dismantling and/or access	Work No. 11	

## PART 2

### NPG

City of York Council

<i>(1) Plot number of land shown on land</i>	<i>(2) Purpose for which temporary possession</i>	<i>(3) Relevant part of the authorised</i>	<i>(4) Element of Work in respect of which</i>
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<i>plan</i>	<i>may be taken</i>	<i>development</i>	<i>land is not required to be re-instated</i>
B3-03, B3-05, B3-06, B3-12, B3-14, B3-20, B3-76	Temporary use for construction, mitigation, maintenance dismantling and/or access	Work Nos. 5, U4	

North Yorkshire County Council

<i>(1) Plot number of land shown on land plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
B1-19	Temporary use for construction, mitigation, maintenance dismantling and/or access	Work Nos. 2, U1	
D1-18, D1-21, D1-69, D1-70, D1-72, D1-80, D1-81, D1-82	Temporary use for construction, mitigation, maintenance dismantling and/or access	Work Nos. 8, U9	
E2-06, E2-07	Temporary use for construction, mitigation, maintenance dismantling and/or access	Work Nos. 9, U11	
E6-13, E6-31	Temporary use for construction, mitigation, maintenance dismantling and/or access	Work Nos. 9, U15	

### PART 3

NGN

North Yorkshire County Council

<i>(1) Plot number of land shown on land plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
D1-35, D1-85	Class 4 – Temporary Construction & Mitigation	Work Nos. 8, U10	

## SCHEDULE 13

Article 25

### LAND IN WHICH ONLY NEW RIGHTS AND RESTRICTIVE COVENANTS ETC. MAY BE ACQUIRED

#### PART 1

#### NATIONAL GRID

City of York Council

<i>(1) Plot number of land shown on land plan</i>	<i>(2) Purpose for which rights over land may be acquired or restrictive covenants imposed</i>	<i>(3) Relevant part of the authorised development</i>
A1-01, A1-02	Compulsory acquisition of rights for the authorised development	Work No. 1
A1-04	Compulsory acquisition of rights of access	Work No. 1
B1-01, B1-02, B1-05, B1-08, B1-09, B1-13, B1-15, B1-16, B1-23, B1-27, B1-28, B1-29, B1-31	Compulsory acquisition of rights for the authorised development	Work No. 2
B1-03, B1-04, B1-06, B1-07, B1-10, B1-11, B1-26, B1-32, B1-35, B1-37, B1-42, B1-50	Compulsory acquisition of rights of access	Work No. 2
B1-64, B2-08, B2-13	Compulsory acquisition of rights for the authorised development	Work No. 3
B1-65, B1-66	Compulsory acquisition of rights for the authorised development	Work Nos. 3, U2
B2-01	Compulsory acquisition of rights of access	Work No. 5
B2-03, B2-09, B2-23a, B2-23b	Compulsory acquisition of rights of access	Work No. 3
B2-10	Compulsory acquisition of rights for the authorised development	Work No. 4
B2-27	Compulsory acquisition of rights for the authorised development	Work Nos. 5, 6
B2-74, B2-75, B2-79	Compulsory acquisition of rights for the authorised development	Work Nos. 3, U3
B2-78	Compulsory acquisition of rights for the authorised development	Work No. 3
B3-01	Compulsory acquisition of rights of access	Work No. 5
B3-02	Compulsory acquisition of rights for the authorised	Work Nos. 5, U4

	development	
B3-04, B3-26	Compulsory acquisition of rights of access	Work No. 5
B3-07, B3-08, B3-09, B3-10, B3-13, B3-17	Compulsory acquisition of rights for the authorised development	Work Nos. 5, U4
B3-11	Compulsory acquisition of rights of access	Work No. 5
B3-12, B3-14, B3-20, B3-76	Compulsory acquisition of rights of access	Work Nos. 5, U4
B3-15, B3-18, B3-27, B3-33, B3-35, B3-36, B3-37, B3-38, B3-74, B3-75	Compulsory acquisition of rights for the authorised development	Work No. 5
B3-61, B3-64, B3-71, B4-11, B4-13, B4-15, B4-16, B4-21, B4-22, B4-25	Compulsory acquisition of rights for the authorised development	Work No. 6
B3-65, B3-66	Compulsory acquisition of rights for the authorised development	Work No. 5, U4
B3-67, B3-68, B3-69, B3-70, B3-72, B4-26	Compulsory acquisition of rights for the authorised development	Work No. 6, U5
B4-01, B4-02, B4-03, B4-04, B4-05, B4-07, B4-08, B4-17, B4-20	Compulsory acquisition of rights of access	Work No. 6

Leeds City Council

<i>(1) Plot number of land shown on land plan</i>	<i>(2) Purpose for which rights over land may be acquired or restrictive covenants imposed</i>	<i>(3) Relevant part of the authorised development</i>
D1-65, D2-02, D2-03, D2-04, D2-05	Compulsory acquisition of rights of access	Work No. 8
D1-66, D2-01, D2-06	Compulsory acquisition of rights for the authorised development	Work No. 8

North Yorkshire County Council

<i>(1) Plot number of land shown on land plan</i>	<i>(2) Purpose for which rights over land may be acquired or restrictive covenants imposed</i>	<i>(3) Relevant part of the authorised development</i>
B1-12, B1-14, B1-17, B1-24, B1-35, B1-38, B1-43, B1-44, B1-46, B1-48, B1-50, B1-52, B1-56, B1-57	Compulsory acquisition of rights of access	Work No. 2
B1-16, B1-18, B1-23, B1-33, B1-34, B1-47, B1-51, B1-53, B1-58, B1-59, B1-62	Compulsory acquisition of rights for the authorised development	Work No. 2
B1-60, B1-61, B1-63	Compulsory acquisition of rights for the authorised development	Work No. 2, U1
B2-05, B2-07, B2-29, B2-33, B2-38, B2-45, B2-52, B2-56, B2-58, B2-69	Compulsory acquisition of rights of access	Work No. 4



B2-10, B2-15, B2-43, B2-62, B2-63, B2-68	Compulsory acquisition of rights for the authorised development	Work No. 4
B2-13, B2-19, B2-24, B2-26, B2-78	Compulsory acquisition of rights for the authorised development	Work No. 3
B2-23, B2-23a, B2-23b, B2-76, B2-77	Compulsory acquisition of rights of access	Work No. 3
B2-27	Compulsory acquisition of rights for the authorised development	Work Nos. 5, 6
B2-36, B2-37, B2-40, B2-41, B2-46, B2-50, B2-51, B2-73, B3-28, B3-42, B3-43, B3-47, B3-48, B3-60, B3-61, B4-15, B4-16, B4-21, B4-22, B4-25, B5-04, B5-09, B5-11, B5-12, B5-14, B5-22, B5-23, B5-26, B5-33, B5-36, B5-40, B5-50, B5-51, B5-57	Compulsory acquisition of rights for the authorised development	Work No. 6
B2-42, B2-53, B2-54, B2-57, B2-72, B3-50, B3-51, B3-53, B3-56, B5-01, B5-05, B5-07, B5-08, B5-13, B5-15, B5-17, B5-18, B5-19, B5-20, B5-25, B5-31, B5-32, B5-34, B5-35, B5-43, B5-49, C1-01	Compulsory acquisition of rights of access	Work No. 6
B3-33, B3-35, B3-17, B3-38, B3-15, B3-16, B3-18, B3-19, B3-21, B3-27	Compulsory acquisition of rights for the authorised development	Work No. 5
B3-22, B3-23, B3-24	Compulsory acquisition of rights of access	Work No. 5
B5-54, B5-55, B5--56	Compulsory acquisition of rights for the authorised development	Work Nos. 6, U6
B5-41, B5-42, B5-45, B5-47, C1-02, C1-16	Compulsory acquisition of rights of access	Work No. 7
B5-44, B5-46, B5-48, B5-52, B5-53, C1-03, C1-04, C1-12, C1-13, C1-15, C1-17, C1-18, C2-07, C2-07a, C2-08, C2-09, C2-10, C2-12, C2-14, C2-15, C3-13, C3-14, C3-16, C3-17, C3-18, C3-21, C3-22, C3-24, C4-03, C4-04, C4-08, C4-09, C4-11, C4-12, C4-13, C4-14, C4-16, C5-05, C5-06, C6-04, C6-05, C6-06, C7-01, C7-02, C7-04, C7-05, C8-07, C8-08, C8-09, C8-13, C8-20, C8-25, C8-27, C8-28, C8-29, C8-32, C9-01, C9-02, C9-03, C9-04, C9-05, C9-06, C9-07, C9-08, C9-10, C9-11, C9-13, C9-14, C9-15, C9-20, C9-21, C9-22, C9-23, C9-30, C9-43, C9-46,	Compulsory acquisition of rights for the authorised development	Work No. 7

C9-47		
C1-05, C1-06, C1-07, C1-08, C1-09, C1-09a, C1-10, C1-11, C1-14, C2-02, C2-03, C2-04, C2-05, C2-06, C2-11, C2-13, C2-16, C2-16a, C3-01, C3-02, C3-03, C3-04, C3-05, C3-06, C3-07, C3-08, C3-09, C3-10, C3-11, C3-12, C3-15, C3-19, C3-20, C3-23, C3-25, C3-26, C4-01, C4-02, C4-05, C4-06, C4-07, C4-10, C4-15, C4-17, C4-18, C5-01, C5-02, C5-03, C5-07, C5-08, C6-01, C6-02, C6-03, C6-07, C6-08, C6-09, C6-10, C6-11, C7-03, C7-06, C7-07, C7-08, C7-09, C7-10, C7-11, C7-12, C8-01, C8-02, C8-03, C8-04, C8-05, C8-06, C8-10, C8-11, C8-12, C8-14, C8-15, C8-16, C8-17, C8-18, C8-19, C8-21, C8-22, C8-23, C8-24, C8-26, C8-30, C8-31, C8-33, C8-34, C9-09, C9-12, C9-16, C9-17, C9-18, C9-19, C9-24, C9-25, C9-26, C9-27, C9-31, C9-32, C9-34	Compulsory acquisition of rights of access	Work No. 7
C9-29	Compulsory acquisition of rights for the authorised development	Work Nos. 7, U8
C9-33, C9-36, C9-38, C9-41, D1-02, D1-03, D1-12, D1-24, D1-31, D1-48, D1-50, D1-55, D1-58, D1-63, D1-79	Compulsory acquisition of rights of access	Work No. 8
C9-35, C9-39, C9-52, D1-01, D1-16	Compulsory acquisition of rights for the authorised development	Work Nos. 8, U9
C9-42, C9-44, C9-45	Compulsory acquisition of rights for the authorised development	Work Nos. 7, U7
C9-48, C9-49, C9-50, C9-51	Compulsory acquisition of rights for the authorised development	Work Nos. 7, U8
D1-04, D1-08	To extinguish private rights of access	Work No. 8
D1-06, D1-07, D1-11, D1-13, D1-17, D1-20, D1-22, D1-36, D1-38, D1-40, D1-44, D1-45, D1-49, D1-64, D1-66	Compulsory acquisition of rights for the authorised development	Work No. 8
D1-10, D1-23, D1-27	Compulsory acquisition of rights for the authorised development	Work Nos. 8, U10
D1-25, D1-28, D1-29, D1-39, D1-42, D1-43, D1-46, D1-51, D1-52, D1-54, D1-56, D1-60, E1-03, E1-04, E1-06, E1-07,	Compulsory acquisition of rights of access	Work No. 9

E1-08, E1-09, E1-10, E1-11, E2-01, E2-02, E2-03, E2-09, E2-10, E2-11, E3-01, E3-02, E3-03, E3-05, E3-06, E3-09, E3-10, E3-12, E3-14, E3-16, E3-20, E3-24, E3-25, E3-26, E3-27, E3-28, E3-29, E3-30, E3-31, E3-32, E4-01, E4-04, E4-06, E4-08, E4-13, E4-14, E4-15, E4-16, E4-17, E4-18, E4-19, E5-01, E5-02, E5-03, E5-04, E5-05, E5-06, E5-07, E5-08, E5-09, E5-18, E5-19, E5-20, E6-01, E6-02, E6-03, E6-04, E6-05, E6-06, E6-07, E6-08, E6-09, E6-11, E6-14, E6-15, E6-16, E6-17, E6-32, E6-33, E6-34, E6-35, E6-36, E6-37, E6-38, E6-39, E6-40, E7-01, E7-02, E7-03, E7-04, E7-07, E7-09, E7-11, E7-13, E7-13a, E7-14, E7-15, E7-26, E7-56, E7-57		
D1-32, D1-57, E1-01, E1-02, E1-05, E2-04, E3-04, E3-07, E3-08, E3-11, E3-13, E3-15, E3-17, E3-18, E3-21, E3-22, E3-23, E3-23a, E3-36, E3-37, E3-38, E3-39, E3-39a, E3-44, E3-47, E4-02, E4-03, E4-05, E4-07, E4-09, E4-10, E4-11, E5-10, E5-11, E5-12, E5-13, E5-14, E5-15, E5-16, E5-17, E5-21, E5-22, E6-10, E6-18, E6-19, E6-20, E6-21, E6-22, E6-23, E6-24, E6-25, E6-26, E6-27, E6-28, E6-29, E6-30, E7-05, E7-06, E7-08, E7-10, E7-12, E7-53, E7-54, E7-55	Compulsory acquisition of rights for the authorised development	Work No. 9
D1-59, D1-61, D1-67, D1-68, D1-74, D1-76	Compulsory acquisition of rights for the authorised development	Work Nos. 8, U9
D1-71, D1-82	Compulsory acquisition of rights of access	Work Nos. 8, U9
D1-84	Compulsory acquisition of rights for the authorised development	Work Nos. 8, U10
E2-05, E2-08, E2-12, E2-13, E2-14, E2-15, E2-16, E2-17, E2-18	Compulsory acquisition of rights for the authorised development	Work Nos. 9, U11
E3-19, E3-33, E3-34, E3-35, E3-40, E3-41, E3-41a, E3-42, E3-43	Compulsory acquisition of rights for the authorised development	Work Nos. 9, U12
E3-45, E3-46, E3-48, E3-49	Compulsory acquisition of rights for the authorised development	Work Nos. 9, U13

E5-23	Compulsory acquisition of rights for the authorised development	Work Nos. 9, U14
E6-12, E6-41, E6-42, E6-43, E6-44, E6-45, E6-46, E6-47	Compulsory acquisition of rights for the authorised development	Work Nos. 9, U15
F1-01, F1-02, F1-11, F1-12	Compulsory acquisition of rights of access	Work No. 11
E7-17, E7-18, E7-20, E7-21, E7-22, E7-23, E7-24, E7-25, E7-31, E7-36, E7-39, F1-17, F1-19, F1-22, F1-24, F1-28, F1-30	Compulsory acquisition of rights of access	Work No. 10
E7-19, E7-28, E7-29, E7-30, E7-32, E7-33, E7-38, E7-38a, E7-40, E7-41, E7-41a, E7-44, E7-44a, E7-45, E7-46, E7-47, E7-48, E7-49, E7-50, E7-51, E7-52, F1-13, F1-14, F1-18, F1-20, F1-27, F1-33, F1-36, F1-39	Compulsory acquisition of rights for the authorised development	Work No. 10
F1-03, F1-04	Compulsory acquisition of rights for the authorised development	Work No. 11

## PART 2

### NPG

City of York Council

<i>(1) Plot number of land shown on land plan</i>	<i>(2) Purpose for which rights over land may be acquired or restrictive covenants imposed</i>	<i>(3) Relevant part of the authorised development</i>
B1-65, B1-66	Compulsory acquisition of rights for the authorised development	Work Nos. 3, U2
B2-74, B2-75, B2-79	Compulsory acquisition of rights for the authorised development	Work Nos. 3, U3
B3-02, B3-07, B3-08, B3-09, B3-10, B3-13, B3-17, B3-65, B3-66	Compulsory acquisition of rights for the authorised development	Work Nos. 5, U4
B3-67, B3-68, B3-69, B3-70, B3-72	Compulsory acquisition of rights for the authorised development	Work Nos. 6, U5
B4-26	Compulsory acquisition of rights for the authorised development	Work Nos. 6, U5

North Yorkshire County Council

<i>(1) Plot number of land shown on land plan</i>	<i>(2) Purpose for which rights over land may be acquired or</i>	<i>(3) Relevant part of the authorised development</i>
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	<i>restrictive covenants imposed</i>	
B1-60, B1-61, B1-63	Compulsory acquisition of rights for the authorised development	Work Nos. 2, U1
B5-50, B5-51	Compulsory acquisition of rights for the authorised development	Work No. 6
B5-54, B5-55, B5-56	Compulsory acquisition of rights for the authorised development	Work Nos. 6, U6
C9-35, C9-39, C9-52, D1-01, D1-16, D1-30, D1-59, D1-61, D1-67, D1-68, D1-73, D1-74, D1-75, D1-76	Compulsory acquisition of rights for the authorised development	Work Nos. 8, U9
C9-42, C9-44, C9-45	Compulsory acquisition of rights for the authorised development	Work Nos. 7, U7
C9-48, C9-49, C9-50, C9-51	Compulsory acquisition of rights for the authorised development	Work Nos. 7, U8
E2-05, E2-08, E2-12, E2-13, E2-14, E2-15, E2-16, E2-17, E2-18	Compulsory acquisition of rights for the authorised development	Work Nos. 9, U11
E3-19, E3-33, E3-34, E3-35, E3-40, E3-41, E3-41a, E3-42, E3-43	Compulsory acquisition of rights for the authorised development	Work Nos. 9, U12
E3-45, E3-46, E3-48, E3-49	Compulsory acquisition of rights for the authorised development	Work Nos. 9, U13
E5-23	Compulsory acquisition of rights for the authorised development	Work Nos. 9, U14
E6-12, E6-41, E6-42, E6-43, E6-44, E6-46, E6-47	Compulsory acquisition of rights for the authorised development	Work Nos. 9, U15
E7-30, E7-38a, E7-41a, E7-44a	Compulsory acquisition of rights for the authorised development	Work No. 10

## PART 3

### NGN

North Yorkshire County Council

<i>(1) Plot number of land shown on land plan</i>	<i>(2) Purpose for which rights over land may be acquired or restrictive covenants imposed</i>	<i>(3) Relevant part of the authorised development</i>
D1-10	Compulsory Acquisition of Rights for Authorised Development	Work Nos. 8, U10
D1-15, D1-19, D1-84	Compulsory Acquisition of Rights for Authorised Development	Work Nos. 8, U10

## SCHEDULE 14

Article 45

### TRAFFIC REGULATION

<i>Local Highway Authority Area</i>	<i>(1) Road</i>	<i>(2) Extent as shown on the traffic regulation order plan</i>	<i>(3) Note</i>
City of York Council and North Yorkshire County Council	Plainville Lane and Bull Lane	Between points TR01, and TR02 as shown on Section B, Sheet 1.	Prohibition of vehicular access at any time. No waiting restriction between 07:00am to 07:00pm Monday to Sunday.
North Yorkshire County Council	U1720 (ORPA)	Between points TR03 and TR04 as shown on Section B, Sheet 1.	Prohibition of vehicular access at any time. No waiting restriction between 07:00am to 07:00pm Monday to Sunday.
North Yorkshire County Council/City of York Council	Corban Lane	Between points TR05 and TR06 as shown on Section B, Sheet <u>21</u> .	Prohibition of vehicular access at any time. No waiting restriction between 07:00am to 07:00pm Monday to Sunday.
North Yorkshire County Council	A19	Between points TR07 and TR08 as shown on Section B, Sheet 2.	Prohibition of vehicular access at any time. No waiting restriction between 07:00am to 07:00pm Monday to Sunday.
North Yorkshire County Council	Overton Road	Between points TR09 and TR10 as shown on Section B, Sheets 2 and 3.	Prohibition of vehicular access at any time. No waiting restriction between 07:00am to 07:00pm Monday to Sunday.
North Yorkshire County Council/City of York Council	Stripe Lane	Between points TR11 and TR12 as shown on Section B, Sheet 3.	Prohibition of vehicular access at any time. No waiting restriction between 07:00am to 07:00pm Monday to Sunday.
City of York Council	A19	Between points TR13 and TR14 as shown on Section B, Sheet 3.	Prohibition of vehicular access at any time. No waiting restriction between 07:00am to 07:00pm Monday to Sunday.
City of York Council	Common Croft Lane	Between points TR15 and TR16 as shown on Section B, Sheet 4.	Prohibition of vehicular access at any time. No waiting restriction

			between 07:00am to 07:00pm Monday to Sunday.
North Yorkshire County Council	Church Lane	Between points TR17 and TR18 as shown on Section C, Sheet 1.	Prohibition of vehicular access at any time. No waiting restriction between 07:00am to 07:00pm Monday to Sunday.
North Yorkshire County Council	A59	Between points TR19 and TR20 as shown on Section C, Sheet 1.	Prohibition of vehicular access at any time. No waiting restriction between 07:00am to 07:00pm Monday to Sunday.
North Yorkshire County Council	Marston Lane	Between points TR21 and TR22 as shown on Section C, Sheet 2.	Prohibition of vehicular access at any time. No waiting restriction between 07:00am to 07:00pm Monday to Sunday.
North Yorkshire County Council	Atterwith Lane	Between points TR23 to TR24 as shown on Section C, Sheet 3.	Prohibition of vehicular access at any time. No waiting restriction between 07:00am to 07:00pm Monday to Sunday.
North Yorkshire County Council	Tockwith Road	Between the point TR25 and TR26 as shown on Section C, Sheet 3.	Prohibition of vehicular access at any time. No waiting restriction between 07:00am to 07:00pm Monday to Sunday.
North Yorkshire County Council	B1224	Between the point TR27 and TR28 as shown on Section C, Sheet 4.	Prohibition of vehicular access at any time. No waiting restriction between 07:00am to 07:00pm Monday to Sunday.
North Yorkshire County Council	Healaugh Lane	Between the point TR29 and TR30 as shown on Section C, Sheet 4.	Prohibition of vehicular access at any time. No waiting restriction between 07:00am to 07:00pm Monday to Sunday.
North Yorkshire County Council	Wighill Lane	Between the point TR31 and TR32 as shown on Section C, Sheet 6.	Prohibition of vehicular access at any time. No waiting restriction between 07:00am to 07:00pm Monday to Sunday.
North Yorkshire County Council	Wighill Lane	Between the point TR33 and TR34 as shown on Section C, Sheet 8.	Prohibition of vehicular access at any time. No waiting restriction between 07:00am to 07:00pm Monday to

			Sunday.
North Yorkshire County Council	A659	Between the point TR35 and TR36 as shown on Section C, Sheet 8.	Prohibition of vehicular access at any time. No waiting restriction between 07:00am to 07:00pm Monday to Sunday.
North Yorkshire County Council	A659	Between the point TR37 and TR38 as shown on Section C, Sheet 9.	Prohibition of vehicular access at any time. No waiting restriction between 07:00am to 07:00pm Monday to Sunday.
North Yorkshire County Council	Garnett Lane	Between the point TR39 and TR40 as shown on Section D, Sheet 1.	Prohibition of vehicular access at any time. No waiting restriction between 07:00am to 07:00pm Monday to Sunday.
North Yorkshire County Council	A659	Between the point TR41 and TR42 as shown on Section D, Sheet 1.	Prohibition of vehicular access at any time. No waiting restriction between 07:00am to 07:00pm Monday to Sunday.
Leeds City Council	Warren Lane	Between the point TR43 and TR44 as shown on Section D, Sheet 2.	Prohibition of vehicular access at any time. No waiting restriction between 07:00am to 07:00pm Monday to Sunday.
National Highways	A64	Between the point TR45 and TR46 as shown on Section D, Sheet 1.	Prohibition of vehicular access at any time. No waiting restriction between 07:00am to 07:00pm Monday to Sunday.
National Highways	A659/A64 Westbound Onslip	Between the point TR47 and TR48 as shown on Section D, Sheet 1.	Prohibition of vehicular access at any time. No waiting restriction between 07:00am to 07:00pm Monday to Sunday.
North Yorkshire County Council	B1217	Between the points TR49 and TR50 as shown on Section E, Sheet 3.	Prohibition of vehicular access at any time. No waiting restriction between 07:00am to 07:00pm Monday to Sunday.
North Yorkshire County Council	Coldhill Lane	Between the points TR51 and TR52 as shown on Section E, Sheet 3.	Prohibition of vehicular access at any time. No waiting restriction between 07:00am to 07:00pm Monday to Sunday.
North	Coldhill Lane	Between the points TR53	Prohibition of vehicular



Yorkshire County Council		and TR54 as shown on Section E, Sheet 4.	access at any time. No waiting restriction between 07:00am to 07:00pm Monday to Sunday.
North Yorkshire County Council	Laith Staid Lane	Between the points TR55 and TR56 as shown on Section E, Sheet 5.	Prohibition of vehicular access at any time. No waiting restriction between 07:00am to 07:00pm Monday to Sunday.
North Yorkshire County Council	B1222	Between the points TR57 and TR58 as shown on Section E, Sheet 5.	Prohibition of vehicular access at any time. No waiting restriction between 07:00am to 07:00pm Monday to Sunday.
North Yorkshire County Council	B1222	Between the points TR59 and TR60 as shown on Section E, Sheet 6.	Prohibition of vehicular access at any time. No waiting restriction between 07:00am to 07:00pm Monday to Sunday.
North Yorkshire County Council	Whitecote Lane	Between the points TR61 and TR62 as shown on Section E, Sheet 6.	Prohibition of vehicular access at any time. No waiting restriction between 07:00am to 07:00pm Monday to Sunday.
North Yorkshire County Council	Westfield Lane	Between the points TR63 and TR64 as shown on Section E, Sheet 7.	Prohibition of vehicular access at any time. No waiting restriction between 07:00am to 07:00pm Monday to Sunday.
North Yorkshire County Council	A63	Between the points TR65 and TR66 as shown on Section E, Sheet 7.	Prohibition of vehicular access at any time. No waiting restriction between 07:00am to 07:00pm Monday to Sunday.
North Yorkshire County Council	Rawfield Lane	Between the points TR67 and TR68 as shown on Section F, Sheet 1.	Prohibition of vehicular access at any time. No waiting restriction between 07:00am to 07:00pm Monday to Sunday.

## PROTECTIVE PROVISIONS

## PART 1

PROTECTION FOR ELECTRICITY, GAS, WATER AND SEWERAGE  
UNDERTAKERS

1. For the protection of the statutory undertakers referred to in this Part of this Schedule the following provisions, unless otherwise agreed in writing between the undertaker and the statutory undertaker concerned, have effect.

2. In this Part of this Schedule—

“alternative apparatus” means alternative apparatus adequate to enable the relevant statutory undertaker to fulfil its statutory functions in a manner not less efficient than previously;

“apparatus” means—

- (a) in the case of an electricity undertaker, electric lines or electrical plant (as defined in the 1989 Act(a)), belonging to or maintained by that electricity undertaker for the purposes of electricity supply;
- (b) in the case of a gas undertaker, any mains, pipes or other apparatus belonging to or maintained by that gas undertaker for the purposes of gas supply;
- (c) in the case of a water undertaker, mains, pipes or other water apparatus belonging to or maintained by that water undertaker for the purposes of water supply; and
- (d) in the case of a sewerage undertaker—
  - (i) any drain or works vested in that undertaker under the Water Industry Act 1991(b); and
  - (ii) any sewer which is so vested or is the subject of a notice of intention to adopt given under section 102(4) (adoption of sewers and disposal works) of that Act or an agreement to adopt made under section 104 (agreements to adopt sewer, drain or sewage disposal works, at future date) of that Act, and includes a sludge main, disposal main (within the meaning of section 219 (general interpretation) of that Act) or sewer outfall and any manholes, ventilating shafts, pumps or other accessories forming part of any such sewer, drain or works, and in each case includes any structure in which apparatus is or is to be lodged or which gives or will give access to apparatus;

“functions” includes powers and duties;

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

“relevant statutory undertaker” means, in relation to any apparatus, the statutory undertaker that owns the apparatus or is responsible for its maintenance; and

“statutory undertaker” means—

- (a) any licence holder within the meaning of Part 1 of the 1989 Act;
- (b) a gas transporter within the meaning of Part 1 of the Gas Act 1986(c);

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(a) 1989 c.29.

(b) 1991 c.56.

(c) 1986 c.44. A new section 7 was substituted by section 5 of the Gas Act 1995 (c.45), and was further amended by section 76 of the Utilities Act 2000 (c.27).

- (c) a water undertaker within the meaning of the Water Industry Act 1991; and
- (d) a sewerage undertaker within the meaning of Part 1 of the Water Industry Act 1991, for the area of the authorised development.

3. This Part of this Schedule does not apply to apparatus in respect of which the relations between the undertaker and the statutory undertaker are regulated by the provisions of Part 3 of the 1991 Act.

4.—(1) If, in the exercise of the powers conferred by this Order, the undertaker acquires any interest in any land in which any apparatus is placed, that apparatus must not be removed under this Part of this Schedule and any right of a statutory undertaker to maintain that apparatus in that land must not be extinguished until alternative apparatus has been constructed and is in operation to the reasonable satisfaction of the relevant statutory undertaker.

(2) If, for the purpose of executing any works in, on or under any land purchased, held, appropriated or used under this Order, the undertaker requires the removal of any apparatus placed in that land, it must give to the relevant statutory undertaker written notice of that requirement, together with a plan and section of the work proposed.

(3) If alternative apparatus or any part of such apparatus is to be constructed as a consequence of the removal of apparatus placed on the land referred to in sub-paragraph (2), the relevant statutory undertaker, must on receipt of a written notice to that effect from the undertaker, as soon as reasonably possible use its best endeavours to obtain the necessary facilities and rights in other land in which the alternative apparatus is to be constructed.

(4) Any alternative apparatus to be constructed in land of the undertaker under this Part of this Schedule must be constructed in such manner and in such line or situation as may be agreed between the relevant statutory undertaker and the undertaker or in default of agreement settled by arbitration in accordance with article 53 (arbitration).

(5) The relevant statutory undertaker must, after the alternative apparatus to be provided or constructed has been agreed or settled by arbitration in accordance with article 53 (arbitration), and after the grant to the statutory undertaker of any such facilities and rights as are referred to in sub-paragraph (3), proceed without unnecessary delay to construct and bring into operation the alternative apparatus and subsequently to remove any apparatus required by the undertaker to be removed under the provisions of this Part of this Schedule.

(6) Regardless of anything in sub-paragraph (5), if the undertaker gives notice in writing to the relevant statutory undertaker that it desires itself to execute any work, or part of any work in connection with the construction or removal of apparatus, that work, instead of being executed by the statutory undertaker, must be executed by the undertaker without unnecessary delay under the superintendence, if given, and to the reasonable satisfaction of the statutory undertaker.

(7) If the relevant statutory undertaker fails either reasonably to approve, or to provide reasons for its failure to approve along with an indication of what would be required to make acceptable, any proposed details relating to required removal works under sub-paragraph (2) within 28 days of receiving a notice of the required works from the undertaker, then such details are deemed to have been approved. For the avoidance of doubt, any such “deemed consent” does not extend to the actual undertaking of the removal works, which shall remain the sole responsibility of the relevant statutory undertaker or its contractors.

5.—(1) Not less than 28 days before starting the execution of any works of the type referred to in paragraph 4(2) that are near to, or will affect, any apparatus the removal of which has not been required by the undertaker under paragraph 4(2), the undertaker must submit to the relevant statutory undertaker a plan, section and description of the works to be executed.

(2) Those works must be executed only in accordance with the plan, section and description submitted under sub-paragraph (1) and in accordance with such reasonable requirements as may be made in accordance with sub-paragraph (3) by the statutory undertaker for the alteration or otherwise for the protection of the apparatus, or for securing access to it, and the statutory undertaker is entitled to watch and inspect the execution of those works.

(3) Any requirements made by a statutory undertaker under sub-paragraph (2) must be made within a period of 28 days beginning with the date on which a plan, section and description under sub-paragraph (1) are submitted to it.

(4) If a statutory undertaker in accordance with sub-paragraph (3) and in consequence of the works proposed by the undertaker, reasonably requires the removal of any apparatus and gives written notice to the undertaker of that requirement, paragraphs 1 to 3 apply as if the removal of the apparatus had been required by the undertaker under paragraph 4(2).

(5) Nothing in this paragraph precludes the undertaker from submitting at any time or from time to time, but in no case less than 28 days before commencing the execution of any works, a new plan, section and description instead of the plan, section and description previously submitted, and having done so the provisions of this paragraph apply to and in respect of the new plan, section and description.

(6) The undertaker is not required to comply with sub-paragraph (1) in a case of emergency but in that case it must give to the relevant statutory undertaker notice as soon as is reasonably practicable and a plan, section and description of those works as soon as reasonably practicable subsequently and must comply with sub-paragraph (2) in so far as is reasonably practicable in the circumstances.

6.—(1) Subject to the following provisions of this paragraph, the undertaker must repay to the relevant statutory undertaker the proper and reasonable expenses reasonably incurred by that statutory undertaker in, or in connection with, the inspection, removal, alteration or protection of any apparatus.

(2) The value of any apparatus removed under the provisions of this Part of the Schedule is to be deducted from any sum payable under sub-paragraph (1), that value being calculated after removal.

(3) If in accordance with the provisions of this Part of this Schedule—

- (a) apparatus of better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions; or
- (b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was,

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker or, in default of agreement, is not determined by arbitration in accordance with article 53 (arbitration) to be necessary, then, if such placing involves cost in the construction of works under this Part of this Schedule exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to the relevant statutory undertaker by virtue of sub-paragraph (1) is to be reduced by the amount of that excess.

(4) For the purposes of sub-paragraph (3)—

- (a) an extension of apparatus to a length greater than the length of existing apparatus is not to be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and
- (b) where the provision of a joint in a cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole is to be treated as if it also had been agreed or had been so determined.

(5) An amount which apart from this sub-paragraph would be payable to a statutory undertaker in respect of works by virtue of sub-paragraph (1) must, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on the relevant statutory undertaker any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.

## PART 2

### PROTECTION FOR OPERATORS OF ELECTRONIC COMMUNICATIONS CODE NETWORKS

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

(2) In this Part of this Schedule—

“conduit system” has the same meaning as in the electronic communications code and references to providing a conduit system are to be construed in accordance with paragraph 1(3A) of that code;

“electronic communications apparatus” has the same meaning as in the electronic communications code;

“the electronic communications code” has the same meaning as in Chapter 1 of Part 2 of the Communications Act 2003(a);

“electronic communications code network” means—

(a) so much of an electronic communications network or conduit system provided by an electronic communications code operator as is not excluded from the application of the electronic communications code by a direction under section 106 (application of the electronic communications code) of the Communications Act 2003; and

(b) an electronic communications network which the Secretary of State is providing or proposing to provide;

“electronic communications code operator” means a person in whose case the electronic communications code is applied by a direction under section 106 (application of the electronic communications code) of the Communications Act 2003; and;

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

8. The exercise of the powers of article 40 (statutory undertakers) are subject to paragraph 23 of Schedule 2 (the telecommunications code) to the Telecommunications Act 1984(b).

9.—(1) Subject to sub-paragraphs (2) to (3), if as the result of the authorised development or their construction, or of any subsidence resulting from any of those works any damage is caused to any electronic communications apparatus belonging to an operator (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works, or other property of an operator) the undertaker must bear and pay the cost reasonably and properly incurred by the operator in making good such damage.

(2) Nothing in sub-paragraph (1) imposes any liability on the undertaker with respect to any damage to the extent that it is attributable to the act, neglect or default of an operator, its officers, servants, contractors or agents.

(3) 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 consent must not be unreasonably withheld or delayed.

(4) Any difference arising between the undertaker and the operator under this paragraph must be referred to and settled by arbitration under article 53 (arbitration).

10. 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

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(a) 2003 c. 21. See section 106.

(b) 1984 c.12. Paragraph 23 of Schedule 2 has been repealed by the Digital Economy Act 2017 (c. 30), Part 2 Section 4(1) and subject to the transitional provisions specified in section 4(10) and Schedule 2 and S.I. 2017/1008 regs 3 and 5.

- (b) any damage, or any interruption, caused by electro-magnetic interference arising from the construction or use of the authorised development.

11. Nothing in this Part of this Schedule affects the provisions of any enactment or agreement regulating the relations between the undertaker and an operator in respect of any apparatus laid or erected in land belonging to the undertaker on the date on which this Order is made.

## PART 3

### FOR THE PROTECTION OF THE CANAL & RIVER TRUST

#### **Interpretation**

12.—(1) For the protection of CRT the following provisions of this part of this Schedule will, unless otherwise agreed in writing between the undertaker and CRT, have effect.

(2) In this part of this Schedule—

“CRT” means the Canal & River Trust;

“CRT’s network” means CRT’s network of waterways;

“the engineer” means an engineer appointed by CRT for the purpose in question;

“specified work” means so much of consented works as are situated upon, across, under, or over, or may in any way affect the waterway.

“the waterway” means the River Ouse, and includes any works, lands or premises belonging to CRT, or under its management or control, and held or used by CRT in connection with that river.

13.—(1) The undertaker must give CRT at least 28 days’ written notice of any intention to exercise the powers conferred by this Order to obstruct or interfere with navigation rights, pedestrian or vehicular access to the waterway, discharge water into the waterway or in any way interfere with the supply of water to or the drainage of water from the waterway, use any bank of the waterway or undertake any works within 8 metres of the waterway.

(2) CRT may reply to the notice requesting conditions (acting reasonably).

(3) If within 14 days, no reply is given to the notification under sub-paragraph (1), CRT is deemed to have accepted the notice as submitted.

14.—(1) Any specified works must, when commenced, be constructed—

(a) with all reasonable dispatch in accordance with any such plans approved or deemed to have been approved or settled as aforesaid;

(b) under the supervision (if given and provided by way of advanced notice of not less than 14 days) and to the reasonable satisfaction of the engineer;

(c) in such manner as to cause as little detriment as is reasonably practicable; and

(d) in such manner as to cause as little inconvenience as is reasonably practicable to CRT, its officers and agents and all other persons lawfully using the waterways, except to the extent that temporary obstruction has otherwise been agreed by CRT.

(2) Nothing in this Order authorises the undertaker to make or maintain any permanent works in or over the waterway so as to impede or prevent (whether by reducing the width of the waterway or otherwise) the passage of any vessel which is of a kind (as to its dimensions) for which CRT is required by section 105(1)(b) and (2) (maintenance of waterways) of the Transport Act 1968 to maintain the waterway. For the avoidance of doubt, CRT acknowledges that Work No. 6 (XC and XCP overhead electric lines, and XC overhead electric line) of Schedule 1 (authorised development) would not impede or prevent the passage of any such vessel on the waterway.

(3) Following the completion of the construction of the specified works the undertaker must restore the waterway, save in respect of the retention of the new permanent overhead line comprised in Work No. 6 (XC and XCP overhead electric lines, and XC overhead electric line) of

Schedule 1 (authorised development), to a condition no less satisfactory than its condition immediately prior to the commencement of those works unless otherwise agreed between the undertaker and CRT.

**15.—(1)** If by reason of any specified work, or of the failure of any such work, the efficiency of any pedestrian or vehicular access to the waterway or the integrity of the waterway is impaired or damaged, such impairment or damage must be made good by the undertaker to the reasonable satisfaction of CRT; and if the undertaker fails to do so within such reasonable period as CRT may require by notice in writing to the undertaker, CRT may make good such impairment or damage and recover from the undertaker the expense reasonably incurred by it in so doing.

(2) Nothing in sub-paragraph (1) imposes any liability on the undertaker with respect to any impairment or damage to the extent that it is attributable to the act, neglect or default of CRT, its officers, servants, contractors or agents.

**16.** Unless otherwise agreed, any dispute or difference arising between CRT under this Part (other than a difference as to the meaning or construction of this Part) must be settled by arbitration in accordance with article 53 (arbitration).

## PART 4

### FOR THE PROTECTION OF RAILWAY INTERESTS

**17.** The provisions of this Part have effect unless otherwise agreed in writing between the undertaker and Network Rail.

**18.** In this Part—

“construction” includes execution, placing, alteration and reconstruction and “construct” and “constructed” have corresponding meanings;

“engineer” means an engineer appointed by Network Rail for the purposes of this Order;

“network licence” means the network licence, as amended from time to time, granted to Network Rail by the Secretary of State in exercise of the powers in section 8 of the Railways Act 1993(a);

“Network Rail” means Network Rail Infrastructure Limited (registered company number 2904587) and any associated company of Network Rail Infrastructure Limited which holds property for railway purposes; and for the purpose of this definition “associated company” means any company which is (within the meaning of section 1159 of the Companies Act 2006(b)) the holding company of Network Rail Infrastructure Limited, a subsidiary of Network Rail Infrastructure Limited or another subsidiary of the holding company of Network Rail Infrastructure Limited;

“plans” includes sections, designs, design data, software, drawings, specifications, soil reports, calculations, descriptions (including descriptions of methods of construction), staging proposals, programmes and details of the extent, timing and duration of any proposed occupation of railway property;

“railway operational procedures” means procedures specified under any access agreement (as defined in the Railways Act 1993) or station lease;

“railway property” means—

- (a) any railway belonging to Network Rail;
- (b) any station, land, works, apparatus and equipment belonging to Network Rail and connected with any such railway; and

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(a) 1993 c. 43.

(b) 2006 c. 40.

- (c) any easement or other property interest held or used by Network Rail for the purposes of such railway or works, apparatus or equipment;

“specified work” means so much of any of the authorised development as is situated upon, across, under, over or within 15 metres of, or may in any way adversely affect, railway property.

**19.—**(1) Where under this Part Network Rail is required to give its consent or approval in respect of any matter, that consent or approval is subject to the condition that Network Rail complies with any relevant railway operational procedures and any obligations under its network licence or under statute.

(2) In so far as any specified work or the acquisition or use of railway property is or may be subject to railway operational procedures, Network Rail must—

- (a) co-operate with the undertaker with a view to avoiding undue delay and securing conformity as between any plans approved by the engineer and requirements emanating from those procedures; and
- (b) use its reasonable endeavours to avoid any conflict arising between the application of those procedures and the proper implementation of the authorised development pursuant to this Order.

**20.—**(1) The undertaker must before commencing construction of any specified work supply to Network Rail proper and sufficient plans of that work for the reasonable approval of the engineer and the specified work must not be commenced except in accordance with such plans as have been approved in writing by the engineer or settled by arbitration under article 53 (arbitration).

(2) The approval of the engineer under sub-paragraph (1) must not be unreasonably withheld, and if by the end of the period of 28 days beginning with the date on which the plans have been supplied to Network Rail the engineer has not intimated disapproval of those plans and the grounds of disapproval, the engineer is deemed to have approved the plans as submitted.

(3) When signifying approval of the plans, the engineer may specify any protective works (whether temporary or permanent) which in the opinion of the engineer must be carried out before the commencement of the construction of a specified work to ensure the safety or stability of railway property or the continuation of safe and efficient operation of the railways of Network Rail or the services of operators using them (including any relocation, de-commissioning and removal of works, apparatus and equipment necessitated by a specified work and the comfort and safety of passengers who may be affected by the specified work), and such protective works as may be reasonably necessary for those purposes are to be constructed by Network Rail or by the undertaker, if Network Rail so desires, and such protective works must be carried out at the expense of the undertaker in either case with all reasonable dispatch, and the undertaker must not commence the construction of the specified work until the engineer has notified the undertaker that the protective works have been completed to the engineer’s reasonable satisfaction.

**21.—**(1) Any specified work and any protective works to be constructed by virtue of paragraph 20(3) must, when commenced, be constructed—

- (a) with all reasonable dispatch in accordance with the plans approved or deemed to have been approved or settled under paragraph 20;
- (b) under the supervision (where appropriate and if given) and to the reasonable satisfaction of the engineer;
- (c) in such manner as to cause as little damage as is possible to railway property; and
- (d) so far as is reasonably practicable, so as not to interfere with or obstruct the free, uninterrupted and safe use of any railway of Network Rail or the traffic thereon and the use by passengers of railway property.

(2) If any damage to railway property or any such interference or obstruction is caused by the carrying out of, or in consequence of the construction of a specified work, the undertaker must, notwithstanding any such approval, make good such damage.



(3) Nothing in this Part imposes any liability on the undertaker with respect to any damage, costs, expenses or loss attributable to the negligence of Network Rail or its servants, contractors or agents or any liability on Network Rail with respect of any damage, costs, expenses or loss attributable to the negligence of the undertaker or its servants, contractors or agents.

**22.** The undertaker must—

- (a) at all times afford reasonable facilities to the engineer for access to a specified work during its construction; and
- (b) supply the engineer with all such information as the engineer may reasonably require with regard to a specified work or the method of constructing it.

**23.** Network Rail must at all times afford reasonable facilities to the undertaker and its agents for access to any works carried out by Network Rail under this Part during their construction and must supply the undertaker with such information as it may reasonably require with regard to such works or the method of constructing them.

**24.** The undertaker must repay to Network Rail all reasonable fees, costs, charges and expenses reasonably incurred by Network Rail—

- (a) in respect of the approval by the engineer of plans submitted by the undertaker and the supervision by the engineer of the construction of a specified work;
- (b) in respect of the employment or procurement of the services of any inspectors, signallers, guards and other persons whom it is reasonably necessary to appoint for inspecting, signalling, watching and lighting railway property and for preventing, so far as may be reasonably practicable, interference, obstruction, danger or accident arising from the construction or failure of a specified work;
- (c) in respect of any special traffic working resulting from any speed restrictions which may in the opinion of the engineer, need to be imposed by reason or in consequence of the construction or failure of a specified work or from the substitution or diversion of services which may be reasonably necessary for the same reason; and
- (d) in respect of any additional temporary lighting of railway property in the vicinity of the specified works, being lighting made reasonably necessary by reason or in consequence of the construction or failure of a specified work;

Provided That any costs incurred by act or omission of Network Rail, will not be paid by National Grid.

**25.—(1)** In this paragraph—

“EMI” means, subject to sub-paragraph (2), electromagnetic interference with Network Rail apparatus generated by the operation of the authorised development where such interference is of a level which adversely affects the safe operation of Network Rail’s apparatus;

“Network Rail’s apparatus” means any lines, circuits, wires, apparatus or equipment (whether or not modified or installed as part of the authorised development) which are owned or used by Network Rail for the purpose of transmitting or receiving electrical energy or of radio, telegraphic, telephonic, electric, electronic or other like means of signalling or other communications existing at the date of the Order.

(2) This paragraph applies to EMI only to the extent that the EMI is not attributable to any change to Network Rail’s apparatus carried out after approval of plans under paragraph 20(1) for the relevant part of the authorised development giving rise to EMI (unless the undertaker has been given notice in writing before the approval of those plans of the intention to make such change).

(3) Subject to sub-paragraph (5), the undertaker must in the design and construction of the authorised development take all measures necessary to prevent EMI and must establish with Network Rail (both parties acting reasonably) appropriate arrangements to verify their effectiveness.

(4) In order to facilitate the undertaker’s compliance with sub-paragraph (3)—

- (a) the undertaker must consult with Network Rail as early as reasonably practicable to identify all Network Rail's apparatus which may be at risk of EMI, and thereafter continue to consult with Network Rail (both before and after formal submission of plans under paragraph 20(1)) in order to identify all potential causes of EMI and the measures required to eliminate them;
- (b) Network Rail must make available to the undertaker all information in the possession of Network Rail reasonably requested by the undertaker in respect of Network Rail's apparatus identified pursuant to paragraph (a); and
- (c) Network Rail must allow the undertaker reasonable facilities for the inspection of Network Rail's apparatus identified pursuant to paragraph (a).

(5) In any case where it is established that EMI can reasonably be prevented only by modifications to Network Rail's apparatus, Network Rail must not withhold its consent unreasonably to modifications of Network Rail's apparatus, but Network Rail may, in its reasonable discretion, select the means of prevention and the method of their execution, and in relation to such modifications paragraph 20(1) has effect subject to this sub-paragraph.

(6) If at any time prior to the commencement of regular revenue-earning operations comprised in the authorised development and notwithstanding any measures adopted pursuant to sub-paragraph (3), the testing or commissioning of the authorised development causes EMI, then the undertaker must immediately upon receipt of notification by Network Rail of the EMI either in writing or communicated orally (such oral communication to be confirmed in writing as soon as reasonably practicable after it has been issued) forthwith cease to use (or procure the cessation of use of) the undertaker's apparatus causing the EMI until all measures necessary have been taken to remedy the EMI by way of modification to the source of the EMI or (in the circumstances, and subject to the consent, specified in sub-paragraph (5)) to Network Rail's apparatus.

(7) In the event of EMI having occurred—

- (a) the undertaker must afford reasonable facilities to Network Rail for access to the undertaker's apparatus in the investigation of the EMI;
- (b) Network Rail must afford reasonable facilities to the undertaker for access to Network Rail's apparatus in the investigation of the EMI; and
- (c) Network Rail must make available to the undertaker any additional material information in its possession reasonably requested by the undertaker in respect of Network Rail's apparatus or the EMI.

(8) Where Network Rail approves modifications to Network Rail's apparatus pursuant to sub-paragraph (5) or (6)—

- (a) Network Rail must allow the undertaker reasonable facilities for the inspection of the relevant part of Network Rail's apparatus;
- (b) any modifications to Network Rail's apparatus approved pursuant to those sub-paragraphs must be carried out and completed by the undertaker in accordance with sub-paragraph (6).

(9) In relation to any dispute arising under this paragraph, the reference in article 53 (arbitration) to the Secretary of State must be read as a reference to the President of the Institution of Engineering and Technology.

**26.** If at any time after the completion of a specified work, not being a work vested in Network Rail, Network Rail gives notice to the undertaker informing it that the state of maintenance of any part of the specified work appears to be such as adversely affects the operation of railway property, the undertaker must, on receipt of such notice, take such steps as may be reasonably necessary to put that specified work in such state of maintenance as not adversely to affect railway property.

**27.** The undertaker must not provide any illumination or illuminated sign or signal on or in connection with a specified work in the vicinity of any railway belonging to Network Rail unless it has first consulted Network Rail, and it must comply with Network Rail's reasonable requirements for preventing confusion between such illumination or illuminated sign or signal and

any railway signal or other light used for controlling, directing or securing the safety of traffic on the railway.

**28.**—(1) The undertaker must pay to Network Rail all reasonable and proper costs, charges, damages and expenses not otherwise provided for in this Part (but subject to the provisions of this paragraph) which may be occasioned to or reasonably incurred by Network Rail by reason of—

- (a) the construction or maintenance of a specified work or the failure of such a work; or
- (b) any act or omission of the undertaker or of any person in its employ or of its contractors or others whilst engaged upon a specified work.

(2) Network Rail must—

- (a) give the undertaker written notice of any such sums referred to in sub-paragraph (1) as soon as reasonably possible after Network Rail become aware of the same;
- (b) not make any payment without the prior consent of the undertaker;
- (c) take all reasonable steps to mitigate any liabilities; and
- (d) keep the undertaker informed and have regard to the undertaker's representations in relation to any such sums referred to in sub-paragraph (1).

(3) In no circumstances is the undertaker liable to Network Rail under sub-paragraph (1) for any indirect or consequential loss or loss of profits, save that the sums payable by the undertaker under that sub-paragraph include a sum equivalent to the relevant costs in circumstances where—

- (a) Network Rail is liable to make payment of the relevant costs pursuant to the terms of an agreement between Network Rail and a train operator; and
- (b) the existence of that agreement and the extent of Network Rail's liability to make payment of the relevant costs pursuant to its terms has previously been disclosed in writing to the undertaker, but not otherwise.

(4) Subject to the terms of any agreement between Network Rail and a train operator regarding the amount, timing or method of payment of the relevant costs in respect of that train operator, Network Rail must promptly pay to each train operator the amount of any sums which Network Rail receives under sub-paragraph (4) which relates to the relevant costs of that train operator.

(5) The obligation under sub-paragraph (4) to pay Network Rail the relevant costs is, in the event of default, enforceable directly by any train operator concerned to the extent that such sums would be payable to that operator pursuant to sub-paragraph (5).

(6) In this paragraph—

“relevant costs” means the costs, direct losses and expenses (including loss of revenue) reasonably incurred by a train operator as a consequence of any restriction of the use of Network Rail's railway network as a result of the construction, maintenance or failure of a specified work or any such act or omission as mentioned in sub-paragraph (1);

“train operator” means any person who is authorised to act as the operator of a train by a licence under section 8 of the Railways Act 1993.

**29.** Network Rail must, on receipt of a request from the undertaker, from time to time provide the undertaker free of charge with written estimates of the costs, charges, expenses and other liabilities for which the undertaker is or will become liable under this Part with such information as may reasonably enable the undertaker to assess the reasonableness of any such estimate or claim made or to be made pursuant to this Part.

**30.** In the assessment of any sums payable to Network Rail under this Part, no account must be taken of any increase in the sums claimed that is attributable to any action taken by or any agreement entered into by Network Rail if that action or agreement was not reasonably necessary and was taken or entered into with a view to obtaining the payment of those sums by the undertaker under this Part or increasing the sums so payable.

**31.** The undertaker and Network Rail may, subject in the case of Network Rail to compliance with the terms of its network licence, enter into, and carry into effect, agreements for the transfer to the undertaker of—

- (a) any railway property shown on the works Plan and land Plan and described in the book of reference;
- (b) any lands, works or other property held in connection with any such railway property; and
- (c) any rights and obligations (whether or not statutory) of Network Rail relating to any railway property or any lands, works or other property referred to in this paragraph.

**32.** Nothing in this Order, or in any enactment incorporated with or applied by this Order, prejudices or affects the operation of Part 1 of the Railways Act 1993.

**33.** The undertaker must no later than 28 days from the date that the plans submitted to and certified by the Secretary of State in accordance with article 48 (certification of plans etc.) are certified by the Secretary of State, provide a set of those plans to Network Rail in the form of a computer disc with read-only memory.

SCHEDULE 16

Article 52

AMENDMENT OF LOCAL LEGISLATION

PART 1

LOCAL ENACTMENTS

<i>Year</i>	<i>Chapter</i>	<i>Title</i>	<i>Section</i>
1980	XIV	West Yorkshire Act	9 and 44

PART 2

BYELAWS

<i>(1)</i> <i>Title</i>	<i>(2)</i> <i>Byelaw to be disapplied</i>
Byelaws for the good rule and government of the City of Leeds and for the prevention of nuisances made by the Council of the City in pursuance of Section 235 of the Local Government Act 1972	5, 10, 11 and 17.
Ainsty (2008) Internal Drainage Board Byelaws 2022	10, 14, 15 and 17.
Kyle and Upper Ouse Internal Drainage Board Byelaws 1996	10, 14, 15 and 17.

## **EXPLANATORY NOTE**

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

This Order authorises National Grid to undertake works to the national electricity transmission System between the existing substation at Monk Fryston to Poppleton substation to the north-west of York. The proposed development is required to provide sufficient transmission capacity to enable the connection of new electricity generation projects in the region, and to carry out all associated works.

The Order also makes provision in connection with the maintenance of the authorised development.

The Order permits National Grid to acquire compulsorily or by agreement, land and rights in land and to use land for this purpose.

A copy of the plans and book of reference referred to in this Order and certified in accordance with article 48 (certification of plans, etc.) of this Order may be inspected free of charge during working hours at the offices of National Grid Electricity Transmission plc, 1-3 Strand, London WC2N 5EH.

National Grid plc  
National Grid House,  
Warwick Technology Park,  
Gallows Hill, Warwick.  
CV34 6DA United Kingdom

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No. 4031152

