
Draft Development Consent Order (Rev C)

**The Yorkshire and Humber (CCS Cross Country
Pipeline) Development Consent Order**

201[●] No. [●]

INFRASTRUCTURE PLANNING

**The [Draft] Yorkshire and Humber (Carbon Capture and Storage
Cross Country Pipeline) Order 201[●]**

Made - - - - [●] 201[●]

Coming into force - - [●] 201[●]

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An application was made to the Secretary of State in accordance with section 37 of the Planning Act 2008(a) for an order under sections 37, 114, 115, 120 and 122 of that Act.

The Examining authority(b) appointed by the Secretary of State examined the application in accordance with Chapter 4 of Part 6 of that Act(c) and made a recommendation under section 74 of that Act(d) that the application should be granted.

The Secretary of State, having the function of deciding the application(a), in exercise of the powers conferred by sections 103, 114, 115, 120 and 122 of that Act, makes the following Order—

(a) 2008 c.29; section 37 is amended by the Localism Act 2011 (c. 20) s.137 and Sch. 13, para.5(2), (3).
 (b) See section 86 of the Planning Act 2008 as amended by the Localism Act 2011, Sch. 13 para.37.
 (c) The provisions of that Part are amended by the Localism Act 2011.
 (d) Section 74 is amended by the Localism Act 2011, Sch.13 para.29(3) and Sch. 25 para.1.

PART 1

PRELIMINARY

Citation and Commencement

1. This Order may be cited as the Yorkshire and Humber (Carbon Capture and Storage Cross Country Pipeline) Order 201[●] and comes into force on [●] 201[●].

Interpretation

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

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

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

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

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

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

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

“the 2008 Act” means the Planning Act 2008;

“access, rights of way and temporary stopping up plans” means the plans certified as the access, rights of way and temporary stopping up plans by the Secretary of State for the purposes of this Order and listed in Part 3 of Schedule 2 (*plans*);

“approved plans” means the plans listed in part 4 of Schedule 2 (*plans*) and such revised or supplemental plans as may be approved pursuant to Schedule 3 (*requirements*);

“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 of the 2008 Act;

the “Barmston Pumping Station parameter plan” has the meaning given in Requirement 5(2)(b) (*Barmston Pumping Station*) of Schedule 3 (*requirements*);

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

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

the “Camblesforth Multi-junction parameter plan” has the meaning given in Requirement 6(2) (*Camblesforth Multi-junction design*) of Schedule 3 (*requirements*);

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

“code of construction practice” has the meaning given in Requirement 1 (*interpretation*) of Schedule 3 (*requirements*);

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

“drainage works” means that part of the authorised development comprised in paragraph (m) (*further associated development*) in Schedule 1 (*authorised development*) and such other further associated development in connection with that paragraph as is listed at paragraphs (e), (g), (h), (i), (j), (k), (l) and (n) (*further associated development*) of that Schedule;

“drainage strategy” has the meaning given in Requirement 16 (*land drainage*) of Schedule 3 (*requirements*);

“environmental statement” means the document(s) certified as the environmental statement by the Secretary of State for the purposes of this Order together with any supplemental or additional

(a) See section 103 of the Planning Act 2008 as amended by the Localism Act 2011 Schs. 13, 25.

(b) 1961 c.33.

(c) 1965 c.56.

(d) 1980 c.66.

(e) 1984 c. 27.

(f) 1990 c.8.

(g) 1991 c.22.

environmental statement submitted for the purposes of complying with and/or discharging the Requirements in Schedule 3 (*requirements*) or conditions in Schedule 10 (*deemed marine licence under Part 4 (marine licensing) of the Marine and Coastal Access Act 2009*);

“flood risk assessment” has the meaning given in Requirement 9(6) (*water*) of Schedule 3 (*requirements*);

“hedgerow plans” has the meaning given in article 44(6)(b) (*felling or lopping of trees or shrubs*);

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

“highway authority” means North Yorkshire County Council or East Riding of Yorkshire Council as the case may be including their successor and where the relevant matter is located in the administrative areas of both then it means both;

“the land plans” means the plans certified as the land plans by the Secretary of State for the purposes of this Order and listed in Part 2 of Schedule 2 (*plans*);

“maintain” includes inspect, examine, monitor, test, repair, set up, configure, dismantle and/or reconstruct the authorised development and/or replace part or a section of the authorised development with a part or section which materially serves the same purpose; and “maintained”, “maintaining” and “maintenance” must be construed accordingly; “National Grid Carbon” means National Grid Carbon Limited (company number 03932833) whose registered office is at 1 - 3 Strand, London, WC2N 5EH;

“Order land” means the land shown on the land plans which is within the limits of land, and interests in or rights over land, to be acquired and/or used and described in the book of reference;

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

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

“PIG” means a pipeline inspection gauge or pipeline internal gauge;

“project design statement” has the meaning given in paragraph 1 (*interpretation*) of Part 1 of Schedule 10 (*deemed marine licence under Part 4 (marine licensing) of the Marine and Coastal Access Act 2009*);

“relevant planning authority” means Selby District Council or East Riding of Yorkshire Council as the case may be including their successor and where the relevant matter is located in the administrative areas of both then it means both;

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

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

“street authority”, in relation to a street, has the same meaning as in Part 3 of the 1991 Act, for which purpose “highway authority” has the meaning given in this article;

“traffic authority” has the meaning given in section 121A (*traffic authorities*) of the 1984 Act;

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

“UK marine area” has the same meaning as in section 42 of the Marine and Coastal Access Act 2009(c);

“undertaker” means the person who has the benefit of this Order in accordance with articles 8 and 9 of this Order; and

“the works plans” means the plans certified as the works plans by the Secretary of State for the purposes of this Order and listed in Part 1 (*works plans*) of Schedule 2 (*plans*).

(2) Save for the definition of the “undertaker”, the definitions in paragraph (1) do not apply to Schedule 10 (*deemed marine licence under Part 4 (marine licensing) of the Marine and Coastal Access Act 2009*).

(3) The definition of the “undertaker” in paragraph (1) does not apply to Schedule 11 (*protective provisions*).

(a) 1981 c.67; the definition of “owner” is amended by the Planning and Compensation Act 1991 (c. 34), Sch.15(1) para.9.

(b) Section 48 is amended by the Local Transport Act 2008 (c. 26), Pt 7 s.124(2).

(c) 2009 c.23.

(4) References in this Order to rights over land include references to rights to do or to place and maintain, anything in, on or under land or in the air-space above its surface.

(5) All distances, directions and lengths referred to in this Order and any document 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 (and in particular in respect of scheduled linear works referred to in this Order all distances are measured along the indicative pipeline route as shown on the works plans for that work).

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

(7) A reference in this Order to a work designated by a number, or by a combination of letters and numbers (for example, “Work No. 2”), is a reference to the work so designated in Schedule 1 (*authorised development*).

(8) A reference in this Order to a document or plan required to be submitted for certification under article 49 (*certification of plans etc.*) is a reference to the version of that document or plan that has been certified under article 49.

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

Application, modification and disapplication of legislative provisions

3.—(1) Part 1 of Schedule 12 (*miscellaneous controls*) to this Order, which makes provision applying, modifying and excluding statutory provisions which relate to matters for which provision may be made by this Order, has effect.

(2) The byelaws specified in Part 2 of Schedule 12 (*miscellaneous controls*) and any other statutory provision of local application—

- (a) have effect subject to the provisions of that Part;
- (b) subject to those provisions, have effect subject to the other provisions of this Order, and
- (c) subject to those other provisions, are excluded and do not apply to the extent that they would be inconsistent with a provision of, or the exercise of a power conferred by, this Order.

(3) In particular (and subject to the provisions of Part 2 of Schedule 12 in relation to byelaws), a power conferred by this Order may be exercised despite, and without having regard to, a provision made by or by virtue of a specified enactment, or any other provision of local application, that—

- (a) requires or permits a specified road, path, passage, bridge, parapet, fence or other place or structure to be kept open or maintained generally or in a specified manner;
- (b) requires or permits the provision and maintenance of lights or other apparatus or structures generally or in a specified manner;
- (c) prohibits or restricts (or imposes conditions or penalties on or in relation to) the obstruction or removal of, or the causing of damage to, a specified place or structure (or class of places or structures);
- (d) prohibits or restricts (or imposes conditions on or in relation to) the erection of structures, or the undertaking of other works, in a specified place or structure (or class of places or structures);
- (e) permits or requires a specified place or structure to be closed;
- (f) makes provision about the conduct of persons using a specified walkway or other place or structure (or class of places or structures) whether by prohibiting or restricting movement (of persons, vehicles or animals) or otherwise;
- (g) specifies a minimum or maximum depth for, or otherwise restricts or imposes conditions in relation to, the laying of pipes or the carrying out of any other works;
- (h) prohibits the laying of pipes or the carrying out of any other works generally or without the consent of a specified person;
- (i) makes provision about the construction or maintenance of, or any other matter relating to, pipes, drains or other means of connecting with sewers;
- (j) prohibits or restricts interference with the banks or bed of, or traffic on, the River Ouse, River Foulness, Market Weighton Canal, River Hull, Driffield Canal, Nafferton Highland Stream,

White Dike and Kelk Beck; or

(k) in any other way would or might apply in relation to anything done, or omitted to be done, in the exercise of a power conferred by this Order.

(4) For the purposes of paragraph (2) 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;
- (c) action taken in pursuance of a power or duty under the provision would or might interfere with the exercise of any work authorised by this Order.

(5) A power conferred by this Order may be exercised despite, and without having regard to, any provision of byelaws made by the East Riding of Yorkshire Council in its capacity as lead local flood authority; but this paragraph does not apply to a provision which permits the taking of any action with the consent of East Riding of Yorkshire Council, of an internal drainage board or of the Environment Agency.

(6) 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;
- (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.

PART 2

WORKS PROVISIONS

Principal powers

Development consent etc. granted by the Order

4. Subject to the provisions of this Order and to the requirements in Schedule 3 (*requirements*) the undertaker is granted—

- (a) development consent for the authorised development to be carried out within the Order limits and to be maintained; and
- (b) consent to operate and use the authorised development for the purposes for which it is designed.

Maintenance of authorised development

5. The undertaker may at any time maintain the authorised development—

- (a) provided that, following such maintenance, the authorised development may not, save in immaterial respects, vary from the description of it given in Schedule 1 (*authorised development*);
- (b) except to the extent that this Order, or an agreement made under this Order, provides otherwise.

Limits of deviation

6.—(1) Save in relation to the drainage works (in which case paragraph (2) applies), the undertaker may—

- (a) in respect of the location of any work comprised in the authorised development deviate

laterally from the lines or situations shown on the works plans to the extent of the limits of deviation for that work shown on those plans; and

(b) carry out construction activities for the purposes of the authorised development anywhere within the Order limits.

(2) The undertaker may construct the drainage works anywhere within the Order limits.

(3) Aerial markers, cathodic protection test posts, field boundary markers, transformer rectifier kiosks and electricity cabinets comprised in the authorised development may deviate vertically from ground surface levels to any extent not exceeding 3 metres upwards.

(4) The authorised development may deviate vertically from ground surface levels to any extent downwards as may be found to be necessary or convenient.

Defence to proceedings in respect of statutory nuisance

7.—(1) Where proceedings are brought under section 82(1) of the Environmental Protection Act 1990^(a) (*summary proceedings by person aggrieved by statutory nuisance*) in relation to a nuisance falling within paragraph (g) of section 79(1) of that Act (*noise emitted from premises so as to be prejudicial to health or a nuisance*) no order may be made, and no fine may be imposed, under section 82(2) of that Act if—

(a) the defendant shows that the nuisance—

(i) relates to premises used by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised development and that the nuisance is attributable to the carrying out of the authorised development in accordance with a notice served under section 60 (control of noise on construction site), or a consent given under section 61 (*prior consent for work on construction site*) or 65 (*noise exceeding registered level*), of the Control of Pollution Act 1974^(b); or

(ii) is a consequence of the construction or maintenance of the authorised development 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 paragraph 15 of Schedule 3 (*requirements*); or

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

(2) Section 61(9) (consent for work on construction site to include statement that it does not of itself constitute a defence to proceedings under section 82 of the Environmental Protection Act 1990) of the Control of Pollution Act 1974 and section 65(8) of that Act (corresponding provision in relation to consent for registered noise level to be exceeded), 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.

Benefit of order

Benefit of Order

8.—(1) Subject to article 9 (*transfer of benefit of Order*) and paragraph (2) of this article, the provisions of this Order have effect solely for the benefit of National Grid Carbon.

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

(a) 1990 c.43; section 82 is amended by section 5 of the Noise and Statutory Nuisance Act 1993 (c.40), Schedule 17 to the Environment Act 1995 (c.25) and section 103 of the Clean Neighbourhoods and Environment Act 2005 (c.16).

(b) 1974 c.40; sections 61 and 65 are amended by section 133 of the Building Act 1984 (c.55), Schedule 24 to the Environment Act 1995 (c.25) and section 162 of, and Schedule 15 to, the Environmental Protection Act 1990 (c.43); there are other amendments not relevant to this Order.

Transfer of benefit of Order

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

(2) Where an agreement has been made in accordance with paragraph (1) references in this Order to the undertaker include references to the transferee or the lessee.

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

Streets

Street works

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

- (a) break up or open the street, or any sewer, drain or tunnel under it (including for the purposes of carrying out surveys to ascertain the location of apparatus);
- (b) tunnel or bore under the street;
- (c) place apparatus in the street;
- (d) maintain apparatus in the street or change its position; and
- (e) execute any works required for or incidental to any works referred to in sub-paragraphs (a) to (d) above.

(2) The authority given by paragraph (1) 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^(a).

(3) The provisions of sections 54 to 106 of the 1991 Act apply to any street works carried out under paragraph (1) save that—

- (a) section 61(1) of the 1991 Act (under which the consent of the street authority is required for the placing of apparatus in a protected street) does not apply to the placing of apparatus in the course of the authorised development;
- (b) section 62(2) of the 1991 Act (power following the designation of a protected street to require removal or repositioning of apparatus already placed in the street) does not, unless otherwise agreed with the undertaker, apply in relation to apparatus placed in the course of the authorised development;
- (c) section 62(4) of the 1991 Act (power when a designation as a protected street commences or ceases to give directions with respect to works in progress) does not, unless otherwise agreed with the undertaker, apply in relation to the authorised development.

(4) In this article “apparatus” and “street works” have the same meanings as in Part 3 of the 1991 Act save that “apparatus” further includes pipelines (and parts of them), aerial markers, cathodic protection test posts, field boundary markers, transformer rectifier kiosks and electricity cabinets.

Power to alter layout, etc., of streets

11.—(1) The undertaker may alter the layout of a street specified in column (2) of Schedule 5 (*streets subject to alteration of layout*) in the manner specified in relation to that street in column (3).

(a) Section 48 is amended by the Local Transport Act 2008 (c. 26) s.124(2); section 51 is amended by Schedule 1 to the Traffic Management Act 2004 (c.18).

(2) Without prejudice to the specific powers conferred by article 4 (*development consent etc. granted by the Order*) or paragraph (4) but subject to paragraph (3), the undertaker may, for the purposes of constructing and maintaining the authorised development, alter the layout of any street within the Order limits and the layout of any street having a junction with such a street; and, without 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, verge or central reservation within the street;
- (b) alter the level or increase the width of any such kerb, footpath, footway, cycle track, verge or central reservation;
- (c) reduce the width of the carriageway of the street;
- (d) make crossovers and passing places;
- (e) carry out works for the provision or alteration of parking places, loading bays and cycle tracks; and
- (f) execute any works required for or incidental to any works referred to in sub-paragraphs (a) to (e) above.

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

(4) The undertaker may, for the purposes of the authorised development, enter on so much of any of the streets specified in Schedule 4 (*streets subject to street works*) and Schedule 5 (*streets subject to alteration of layout*) as is within the Order limits and may—

- (a) demolish, remove, replace and relocate any bus shelter and associated bus stop infrastructure;
- (b) execute any works to provide or improve sight lines required by the highway authority;
- (c) remove and replace kerbs and flume ditches for the purposes of creating permanent and temporary accesses;
- (d) execute and maintain any works to provide hard and soft landscaping;
- (e) carry out re-lining and placement of new temporary markings; and
- (f) execute any works required for or incidental to any works referred to in sub-paragraphs (a) to (e) above.

Construction and maintenance of new, altered or diverted streets

12.—(1) Any street to be constructed under this Order in respect of which the undertaker has given the highway authority notice that this paragraph applies must be completed to the reasonable satisfaction of the highway authority and, unless otherwise agreed with the highway authority, must be maintained by and at the expense of the undertaker for a period of 12 months from its completion and at the expiry of that period by and at the expense of the highway authority.

(2) Where a street is altered or diverted under this Order, the altered or diverted part of the street must, when completed to the reasonable satisfaction of the street authority, unless otherwise agreed with the street authority, be maintained by and at the expense of the undertaker for the specified period and at the expiry of that period by and at the expense of the street authority; and in this paragraph the “specified period” means the later of—

- (a) a period of 12 months from that completion; or
- (b) if upon the end of that 12 month period the street authority (acting reasonably) provides the undertaker with written notice that it requires the undertaker to reinstate and make good any damage or defect in an altered or diverted part of a street, which includes details of the damage and defect, the date on which all the damage or defects specified in that notice have been reinstated and made good to the reasonable satisfaction of the street authority.

(3) Where any street not previously part of the public highway is constructed pursuant to this Order it will on the undertaker giving notice to the highway authority (and street authority if different) that this paragraph applies be deemed to be dedicated for public use as highway on the completion of that street.

(4) Paragraphs (1) to (3) do not apply in relation to the structure of any bridge carrying a street.

(5) In any action against the undertaker in respect of loss or damage resulting from any failure by it to maintain a street under this article, it will be a defence (without prejudice to any other defence or

the application of the law relating to contributory negligence) to prove that the undertaker had taken such care as in all the circumstances was reasonably required to secure that the part of the street to which the action relates was not dangerous to traffic.

(6) For the purposes of a defence under paragraph (5), 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;
- (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.

(7) Nothing in this article—

- (a) prejudices the operation of section 87 of the 1991 Act (*prospectively maintainable highways*); and the undertaker is not by reason of any duty under that section to maintain a street to be taken to be a street authority in relating to that street for the purposes of Part 3 of that Act; or
- (b) has effect in relation to the street works with regard to which the provisions of Part 3 of the 1991 Act apply.

Permanent stopping up of streets

13.—(1) Subject to the provisions of this article, the undertaker may, in connection with the carrying out of the authorised development stop up any street with the consent of the highway authority, which must not be unreasonably withheld or delayed but the highway authority may attach reasonable conditions to any such consent.

(2) No street to be stopped up pursuant to paragraph (1) for which the highway authority acting reasonably requires a substitute to be provided may be wholly or partly stopped up unless—

- (a) the new street to be substituted for it has been completed to the reasonable satisfaction of the street authority and is open for use; or
- (b) a temporary alternative route for the passage of such traffic as could have used the street to be stopped up is first provided and subsequently maintained by the undertaker, to the reasonable satisfaction of the street authority, between the commencement and termination points for the stopping up of the street until the completion and opening of the new street in accordance with sub-paragraph (a).

(3) No street to be stopped up pursuant to this article for which no substitute is to be provided may be wholly or partly stopped up unless the condition specified in paragraph (4) is satisfied in relation to all the land which abuts on either side of the street to be stopped up.

(4) The condition referred to in paragraph (3) is that—

- (a) the undertaker is in possession of the land; or
- (b) there is no right of access to the land from the street concerned; or
- (c) there is reasonably convenient access to the land otherwise than from the street concerned; or
- (d) the owners and occupiers of the land have agreed to the stopping up.

(5) Where a street has been stopped up under this article—

- (a) all rights of way over or along the street so stopped up are extinguished; and
- (b) the undertaker may appropriate and use for the purposes of the authorised development so much of the site of the street as is bounded on both sides by land owned by the undertaker or as is otherwise provided in this Order.

(6) Any person who suffers loss by the suspension or extinguishment 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.

(7) This article is subject to article 15 (*apparatus and rights of statutory undertakers in permanently stopped up streets*).

Temporary stopping up of streets and public rights of way

14.—(1) The undertaker, during and for the purposes of carrying out the authorised development, may temporarily stop up, alter or divert any street or any public right of way and may for any reasonable time—

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

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

(3) Without prejudice to the generality of paragraph (1), the undertaker may temporarily stop up, alter or divert the streets or public rights of way specified in columns (1) and (2) of Parts 1 and 2 of Schedule 6 (*streets and 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 temporary stopping up plans, in column (3) of Parts 1 and 2 of that Schedule.

(4) The undertaker may not temporarily stop up, alter or divert—

- (a) any street or public right of way specified as mentioned in paragraph (3) without first consulting the highway authority; and
- (b) any other street or public right of way without the consent of the highway authority, which must not be unreasonably withheld or delayed but the highway authority may attach reasonable conditions to any such consent.

(5) 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.

Apparatus and rights of statutory undertakers in permanently stopped up streets

15.—(1) Where a street is stopped up under article 13 (*permanent stopping up of streets*), any statutory utility whose apparatus is under, in, on, along or across the street has the same powers and rights in respect of that apparatus, subject to the provisions of this article, as if this Order had not been made.

(2) Where a street is stopped up under article 13 (*permanent stopping up of streets*), any statutory utility whose apparatus is under, in, on, over, along or across the street may, and if reasonably requested to do so by the undertaker must—

- (a) remove the apparatus and place it or other apparatus provided in substitution for it in such other position as the utility may reasonably determine and have power to place it; or
- (b) provide other apparatus in substitution for the existing apparatus and place it in such position as described in sub-paragraph (a).

(3) Subject to the following provisions of this article, the undertaker must pay to any statutory utility an amount equal to the cost reasonably incurred by the utility in or in connection with—

- (a) the execution of the relocation works required in consequence of the stopping up of the street; and
- (b) the doing of any other work or thing rendered necessary by the execution of the relocation works.

(4) If in the course of the execution of relocation works under paragraph (2)—

- (a) apparatus of a better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus; 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 to be necessary, then, if it involves cost in the execution of the relocation works 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 paragraph, would be payable to the statutory utility by virtue of paragraph (3) must be reduced by the amount of that excess.

(5) For the purposes of paragraph (4)—

- (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.

(6) An amount which, apart from this paragraph, would be payable to a statutory utility in respect of works by virtue of paragraph (3) (and having regard, where relevant, to paragraph (4)) 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 utility 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.

(7) Paragraphs (3) to (6) do not apply where the authorised development constitutes major highway works, major bridge works or major transport works for the purposes of Part 3 of the 1991 Act, but instead—

- (a) the allowable costs of the relocation works must be determined in accordance with section 85 of that Act (sharing of cost of necessary measures) and any regulations for the time being having effect under that section; and
- (b) the allowable costs must be borne by the undertaker and the statutory utility in such proportions as may be prescribed by any such regulations.

(8) In this article—

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

“relocation works” means work executed, or apparatus provided, under paragraph (2); and

“statutory utility” means a statutory undertaker for the purposes of the 1980 Act or a public communications provider as defined in section 151(1) of the Communications Act 2003(a).

Access to works

16. The undertaker may, for the purposes of the construction and/or the maintenance of the authorised development—

- (a) form and lay out means of access, or improve existing means of access, as specified in columns (1) and (2) of Parts 1 and 2 of Schedule 7 (*access to works*); and
- (b) with the approval of the relevant planning authority, which is not to be unreasonably withheld or delayed, after consultation with the 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.

Traffic regulation

17.—(1) 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, operation, or maintenance of the authorised development—

- (a) revoke, amend or suspend in whole or in part any order made, or having effect as if made, under the 1984 Act;

(a) 2003 c.21.

- (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 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.

(2) The undertaker may not exercise the powers in paragraph (1) unless it has—

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

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

- (a) has effect as if duly made by, as the case may be—
 - (i) the traffic authority in whose area the road is situated as a traffic regulation order under the 1984 Act; or
 - (ii) the local authority in whose area the road is situated as an order under section 32 of the 1984 Act; and
- (b) is deemed to be a traffic order for the purposes of Schedule 7 to the Traffic Management Act 2004(a) (road traffic contraventions subject to civil enforcement).

(4) 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 paragraph (1) at any time.

(5) Before complying with the provisions of paragraph (2) the undertaker must consult the chief officer of police and the traffic authority in whose area the road is situated.

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

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 any part of the authorised development;
- (b) the strengthening, improvement, repair or reconstruction of any street under the powers conferred by this Order;
- (c) any stopping up, alteration or diversion of a street authorised by this Order;
- (d) the undertaking in the street of any of the works referred to in article 10(1) (*street works*); and/or
- (e) the adoption by a street authority which is a highway authority of works—
 - (i) undertaken on a street which is existing publicly maintainable highway; and/or
 - (ii) which the undertaker and highway authority agree are to be adopted as publicly maintainable highway.

(2) If such an agreement provides that the street authority must undertake works on behalf of the undertaker the agreement may, without prejudice to the generality of paragraph (1)—

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

Discharge of water

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

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

(3) The undertaker must not discharge any water into any watercourse, public sewer or drain except with the consent of the person to whom it belongs; and such consent may be given subject to such terms and conditions as that person may reasonably impose, 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 pursuant to this article is as free as may be practicable from gravel, soil or other solid substance, oil or matter in suspension; but nothing in this Order requires the undertaker to maintain a watercourse or public sewer or drain or the drainage works.

(7) This article does not authorise the discharge or entry into inland fresh waters or coastal waters of any matter whose entry or discharge into those waters is prohibited by regulation 38 of the Environmental Permitting (England and Wales) Regulations 2010(b).

(8) In this article—

(a) “public sewer or drain” means a sewer or drain which belongs to the Environment Agency, an internal drainage board, a joint planning board, a local authority or a sewerage undertaker;

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

(c) other expressions, excluding watercourse, used both in this article and in the Water Resources Act 1991(c) have the same meaning as in that Act.

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 building lying within the Order limits 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 building of any part of the authorised development; or

(b) after the completion of that part of the authorised development in the vicinity of the building 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 for the purpose for which it was designed.

(a) 1991 c.56; section 106 is amended by sections 36(2) and 99 of the Water Act 2003 (c.37); there are other amendments to this section which are not relevant to this Order.

(b) S.I. 2010/675.

(c) 1991 c.57.

(3) For the purpose of determining how the functions under this article are to be exercised the undertaker may enter and survey any building falling within paragraph (1) and any land within its curtilage.

(4) For the purpose of carrying out protective works under this article to a building the undertaker may (subject to paragraphs (5) and (6))—

- (a) enter the building 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 a building;
- (b) a right under paragraph (3) to enter a building and land within its curtilage;
- (c) a right under sub-paragraph (4)(a) to enter a building and land within its curtilage; or
- (d) a right under sub-paragraph (4)(b) to enter land,

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

(6) Where a notice is served under sub-paragraph (5)(a), (5)(c) or (5)(d), the owner or occupier of the building or 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 or to enter the building or land to be referred to arbitration under article 51 (*arbitration*).

(7) The undertaker must compensate the owners and occupiers of any building or 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 a building; and
- (b) within the period of 5 years (beginning with the day on which the part of the authorised development carried out in the vicinity of the building is first brought into operational use for the purpose for which it was designed) it appears that the protective works are inadequate to protect the building against damage caused by the carrying out or use of that part of the authorised development,

the undertaker must compensate the owners and occupiers of the building for any loss or damage sustained by them.

(9) Nothing in this article relieves the undertaker from any liability to pay compensation under section 10(2) of the 1965 Act (compensation for injurious affection).

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

(11) In this article “protective works” in relation to a building means—

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

Authority to survey and investigate the land

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

- (a) survey and/or investigate the land;
- (b) without prejudice to the generality of sub-paragraph (a), make trial holes in such positions on the land as the undertaker thinks fit to investigate the nature of the surface layer and/or subsoil and/or to remove soil samples;

- (c) without prejudice to the generality of sub-paragraph (a), carry out ecological and/or archaeological investigations on the land; and/or
- (d) place on, leave on and remove from the land apparatus for use in connection with the survey and/or investigation of land, the making of trial holes.

(2) The power conferred by sub-paragraph (1)(c) includes without prejudice to the generality of that sub-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) its 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 entering the land, produce written evidence of their authority to do so; and
- (b) may take with them such vehicles and equipment as are necessary to carry out the survey, investigation, monitoring, or to make the trial holes.

(5) No trial holes may be made under this article—

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

but such consent must not be unreasonably withheld or delayed.

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

Removal of human remains

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

- (a) publishing a notice once in each of two successive weeks in a newspaper circulating in the area of the 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 (3) the undertaker must send a copy of the notice to the relevant planning authority.

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

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

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

and that person must, as soon as reasonably practicable after such re-interment or cremation, provide to

the undertaker a certificate for the purpose of enabling compliance with paragraph (11).

(7) If the undertaker is not satisfied that any person giving notice under paragraph (5) is the personal representative or relative as that person claims to be, or that the remains in question can be identified, the question 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 re-interred in such burial ground or cemetery in which burials may legally take place as the undertaker thinks suitable for the purpose; and, so far as possible, remains from individual graves must be re-interred in individual containers which must be identifiable by a record prepared with reference to the original position of burial of the remains that they contain.

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

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

- (a) a certificate of re-interment or cremation must be sent by the undertaker 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 mentioned in paragraph (4).

(12) 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.

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

(14) Section 25 of the Burial Act 1857(a) (bodies not to be removed from burial grounds, save under faculty, without licence of Secretary of State) does not apply to a removal carried out in accordance with this article.

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

- (a) in relation to land, other than a right over land, acquired for the purposes of the authorised development (whether or not by agreement), so as to permit use by the undertaker in accordance with the provisions of this Order; and
- (b) in relation to a right over land so acquired (whether or not by agreement), or the temporary use of land pursuant to articles 28 (*temporary use of land for carrying out the authorised development*) and 29 (*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

(a) 1857 c.81; section 25 is amended by the Criminal Justice Act 1982 (c.48.) s.46.

with the provisions of this Order, without prejudice to the status of the land over which the right is exercised as consecrated land,

and in section 238(1)(b) of the 1990 Act reference to a “planning permission” includes this Order, in section 240(1) of the 1990 Act reference to “regulations made for the purposes of sections 238(3) and (4) and 239(2)” means, so far as applicable to land or a right over land acquired under this Order, paragraphs (2) to (13) of this article and in section 240(3) of the 1990 Act reference to a “statutory undertaker” includes the undertaker and reference to “any other enactment” includes this Order.

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

PART 3

ACQUISITION AND POSSESSION OF LAND

Powers of acquisition

Compulsory acquisition of land

23.—(1) The undertaker 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) As from the date on which a compulsory acquisition notice under section 134(3) (*notice of authorisation of compulsory acquisition*) of the 2008 Act is served or the date on which the Order land, or any part of it, is vested in the undertaker, whichever is the later, all rights, trusts and incidents to which that land or that part of it which is vested (as the case may be) was previously subject are discharged or suspended, so far as their continuance would be inconsistent with the exercise of the powers under this Order.

(3) Any person who suffers loss by the extinguishment or 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.

(4) No interest in Crown land may be acquired pursuant to this Order unless the appropriate Crown authority consents to such acquisition.

(5) This Order applies to Crown land only to the extent that the appropriate Crown authority consents to such application.

(6) In this article, “Crown land” and “the appropriate Crown authority” have the same meanings as those given in section 227 (“Crown land” and “the appropriate Crown authority”) of the 2008 Act.

(7) This article is subject to article 25 (*acquisition of subsoil only*) and article 28 (*temporary use of land for carrying out the development*).

Compulsory acquisition of rights

24.—(1) The undertaker may acquire compulsorily the existing rights and create and acquire compulsorily the new rights described in the book of reference and shown on the land plans.

(2) As from the date on which a compulsory acquisition notice is served or the date on which any new right is vested in the undertaker, whichever is the later, the land over which any new rights are acquired is discharged from all rights, trusts and incidents to which it was previously subject so far as their continuance would be inconsistent with the exercise of that new right.

(3) Subject to section 8 of the 1965 Act, as substituted by article 33 (*acquisition of part of certain properties*), where the undertaker acquires an existing right over land under paragraph (1), the undertaker is not required to acquire a greater interest in that land.

(4) Schedule 13 (*modification of compensation and compulsory purchase enactments for creation of new rights*) has effect for the purpose of modifying the enactments relating to compensation and the provisions of the 1965 Act in their application in relation to the compulsory acquisition under this article of a right over land by the creation of a new right or the imposition of a restrictive covenant.

(a) S.I. 1950/792.

(5) Any person who suffers loss as a result of the extinguishment or 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.

(6) No existing right in Crown land may be acquired or new right created and/or acquired pursuant to this Order unless the appropriate Crown authority consents to such acquisition and/or creation; and in this paragraph “Crown land” and “the appropriate Crown authority” have the same meanings as those given in section 227 (“Crown land” and “the appropriate Crown authority”) of the 2008 Act.

Acquisition of subsoil only

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

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

(3) Paragraph (2) does not prevent article 33 (*acquisition of part of certain properties*) from applying where the undertaker acquires a cellar, vault, arch or other construction forming part of a house, building or manufactory.

Power to override easements and other rights

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

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

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

- (a) the erection, construction or carrying out, operation 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, liberty, privilege, right or advantage annexed to land and adversely affecting other land, including any natural right to support and include restrictions as to the user of land arising by virtue of a contract.

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

- (a) is payable under section 7 or 10 of the 1965 Act^(a); and
- (b) must 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) Nothing in this article may 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.

Application of the Compulsory Purchase (Vesting Declarations) Act 1981

27.—(1) The Compulsory Purchase (Vesting Declarations) Act 1981^(b) applies as if this Order were a compulsory purchase order and as if the undertaker were a public authority under section 1(2) of that Act.

^(a) There are amendments that are not relevant to this Order.

^(b) 1981 c.66.

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

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

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

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

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

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

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

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

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

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

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

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

Temporary possession of land

Temporary use of land for carrying out the authorised development

28.—(1) The undertaker may, in connection with the carrying out of the authorised development—

- (a) enter on and take temporary possession of—
 - (i) the land specified in columns (1) and (2) of Schedule 9 (*land of which temporary possession may be taken*) for the purpose specified in relation to that land in column (3) of that Schedule relating to the part of the authorised development specified in column (4) of that Schedule;
 - (ii) any Order land in respect of which no notice of entry has been served under section 11 of the 1965 Act (*powers of entry*) (other than in connection with the requisition of rights only) and no declaration has been made under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 (*execution of declaration*) for the purposes of constructing and carrying out the authorised development;
- (b) remove any buildings and vegetation from the land referred to in paragraphs (1)(a)(i) and (a)(ii);
- (c) construct temporary works (including the provision of means of access) and buildings on the land referred to in paragraphs (1)(a)(i) and (a)(ii); and
- (d) construct and carry out any mitigation works on the land referred to in paragraphs (a)(i) and (a)(ii).

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

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

- (a) in the case of land specified in paragraph (1)(a)(i) after the end of the period of one year

beginning with the date of completion the authorised development; 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 authorised development unless the undertaker has, before 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 Compulsory Purchase (Vesting Declaration) Act 1981,
- (c) and in this paragraph the date on which the authorised development is completed means the date on which the undertaker has certified that it is first capable of being brought into operational use for the purpose for which it was designed.

(4) Before giving up possession of land of which temporary possession has been taken under this article, unless otherwise agreed by the owners of the land, the undertaker must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land; but the undertaker is not required to—

- (a) replace a building removed under this article;
- (b) restore the land on which any permanent works have been constructed under sub-paragraph (1)(d); or
- (c) remove any ground-strengthening works which have been placed in that land to facilitate construction of the authorised development.

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

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

(7) Nothing in this article affects any liability to pay compensation under section 10(2) of the 1965 Act (further provisions as to compensation for injurious affection) or under any other enactment in respect of loss or damage arising from the carrying out of the authorised development, other than loss or damage for which compensation is payable under paragraph (5).

(8) The undertaker may not compulsorily acquire under this Order the land referred to in paragraph (1)(a)(i), or acquire existing rights or create and acquire new rights over any part of that land under article 24 (*compulsory acquisition of rights*), or acquire any part of the subsoil (or rights in the subsoil) of that land under article 25 (*acquisition of subsoil only*), except that the undertaker is not be precluded from—

- (a) carrying out protective works on that land under article 20 (*protective work to buildings*); or
- (b) carrying out a survey on that land under article 21 (*authority to survey and investigate the land*).

(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 (**a**) (*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) Subject to paragraph (3), nothing in this article prevents the taking of temporary possession pursuant to it more than once in relation to any land specified in paragraph (1).

Temporary use of land for maintaining the authorised development

29.—(1) Subject to paragraph (2) the undertaker may during the maintenance period—

- (a) enter on and take temporary possession of any land within the Order limits if such possession is reasonably required for the purpose of maintaining the authorised development;
- (b) enter on any land within the Order limits for the purpose of gaining access as is reasonably required for the purpose of maintaining the authorised development; and

(a) Section 13 is amended by section 139 of the Tribunals, Courts and Enforcement Act 2007 (c.15).

(c) construct such temporary works (including the provision of means of access) and buildings on the land as may be reasonably necessary for that purpose.

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

(a) any house or garden belonging to a house; or

(b) any building (other than a house) if it is for the time being occupied.

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

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

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

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

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

(8) Nothing in this article affects any liability to pay compensation under section 10(2) of the 1965 Act (further provisions as to compensation for injurious affection) or under any other enactment in respect of loss or damage arising from the maintenance 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) Where the undertaker has identified a potential risk to the safety of—

(a) the authorised development or any part of it; or

(b) the public; or

(c) the surrounding environment,

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

(12) In this article the "maintenance period" means in relation to any part of the authorised development the period of 5 years beginning with the date on which the authorised development is first brought into operational use for the purpose for which it was designed.

Compensation

Disregard of certain interests and improvements

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

(a) any interest in land; or

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

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

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

Set-off for enhancement in value of retained land

31.—(1) In assessing the compensation payable to any person in respect of the acquisition from that person under this Order of any land (including 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 24 (*compulsory acquisition of rights*), the tribunal must set off against the value of the rights so acquired—

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

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

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

No double recovery

32. 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 under this Order.

Supplementary

Acquisition of part of certain properties

33.—(1) This article applies instead of section 8(1) of the 1965 Act (other provisions as divided land) (as applied by section 125 of the 2008 Act) where—

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

(2) In such a case, the owner may, within the period of 21 days beginning with the day on which the notice was served, serve on the undertaker a counter-notice objecting to the sale of the land subject to the notice to treat which states that the owner is willing and able to sell the whole (“the land subject to the counter-notice”).

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

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

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

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

the owner must sell the land subject to the notice to treat.

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

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

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

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

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

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

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

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

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

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

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

Statutory undertakers

34.—(1) The undertaker may—

- (a) acquire compulsorily the land belonging to statutory undertakers shown on the land plans within the limits of the land to be acquired and described in the book of reference;
- (b) extinguish the rights of, remove or reposition the apparatus belonging to statutory undertakers where such apparatus is anywhere within the Order limits; and
- (c) acquire compulsorily the new rights over land belonging to statutory undertakers described in the book of reference and shown on the land plans.

(2) Parts 1 and 2 of Schedule 11 (*protective provisions*) apply to the power in sub-paragraph (1)(b).

Recovery of costs of new connections

35.—(1) Where any apparatus of a public utility undertaker or of a public communications provider is removed under article 34 (*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 34 any person who is—

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

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

(3) This article does not have effect in relation to apparatus to which Part 3 of the 1991 Act applies.

(4) In this paragraph—

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

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

Time limit for exercise of authority to acquire land compulsorily

36.—(1) After the end of the period of 8 years beginning on the day on which this Order is made—

(a) no notice to treat is to be served under Part 1 of the 1965 Act; and

(b) no declaration is to be executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981(b) as applied by article 27 (*application of the Compulsory Purchase (Vesting Declarations) Act 1981*).

(2) The authority conferred by article 28 (*temporary use of land for carrying out the authorised development*) ceases at the end of the period referred to in paragraph (1), save that nothing in this paragraph prevents the undertaker remaining in possession of land after the end of that period, if the land was entered and possession was taken before the end of that period.

Private rights of way

37.—(1) Subject to the provisions of this article, all private rights of way over land subject to compulsory acquisition under this Order are extinguished—

(a) as from the date of acquisition of the land by the undertaker, whether compulsorily or by agreement; or

(b) on the date of entry on the land by the undertaker under section 11(1) of the 1965 Act(c) (*power of entry*),

whichever is the earlier.

(2) Subject to the provisions of this article, all private rights of way over land owned by the undertaker which, being within the limits of land which may be acquired shown on the land plans, is required for the purposes of this Order are extinguished on the appropriation of the land by the undertaker for any of those purposes.

(3) Subject to the provisions of this article, all private rights of way 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.

(4) Any person who suffers loss by the extinguishment or 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.

(5) This article does not apply in relation to any right of way to which section 138 of the 2008 Act (*extinguishment of rights, and removal of apparatus, of statutory undertakers etc.*) or article 34 (*statutory undertakers*) applies.

(6) Paragraphs (1) to (3) have effect subject to—

(a) any notice given by the undertaker before—

(i) the completion of the acquisition of the land,

(ii) the undertaker’s appropriation of it,

(a) 2003 c.21; there are amendments to section 151 that are not relevant to this Order.

(b) 1981 c.66.

(c) Section 11 is amended by Schedule 4 to the Acquisition of Land Act 1981 (c.67), Schedule 1 to the Housing (Consequential Provisions) Act 1985 (c.71), the Church of England (Miscellaneous Provisions) Measure 2006 No. 1 Sch.5 para.12(1) and the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307).

- (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 of way specified in the notice; and
- (b) any agreement made at any time between the undertaker and the person in or to whom the right of way in question is vested or belongs.
- (7) If any such agreement as is referred to in sub-paragraph (6)(b)—
- (a) is made with a person in or to whom the right of way 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.

Rights under or over streets

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

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

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

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

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

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

Incorporation of the mineral code

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

- (a) for “the acquiring authority” substitute “the undertaker”;
- (b) for “undertaking” substitute “authorised development”; and
- (c) for compulsory purchase order” substitute “this Order”.

Open space

40. Schedule 8 (*record of the satisfaction of the Secretary of State pursuant to section 132 of the 2008 Act*) to this Order has effect.

PART 4

MISCELLANEOUS AND GENERAL

Application of landlord and tenant law

41.—(1) This article applies to—

(a) 1981 c.67.

- (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.

Deemed consent under Part 4 (marine licensing) of the Marine and Coastal Access Act 2009

42.—(1) A marine licence is deemed to have been issued to the undertaker under Part 4 (*marine licensing*) of the Marine and Coastal Access Act 2009^(a).

(2) The marine licence deemed to have been issued under this article is set out at Schedule 10 (deemed marine licence under Part 4 (marine licensing) of the Marine and Coastal Access Act 2009).

Operational land for purposes of the 1990 Act

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

Felling or lopping of trees or shrubs

44.—(1) The undertaker may fell or lop any tree or shrub 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 or shrub—

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

(2) The undertaker may not pursuant to paragraph (1) fell or lop a tree within the extent of the publicly maintainable highway without the approval of the highway authority (which is not to be unreasonably withheld or delayed).

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

(4) The undertaker may remove—

- (a) hedgerows shown on the hedgerow plans;
- (b) with the approval of the relevant planning authority, which is not to be unreasonably withheld or delayed, any other hedgerow within the Order limits if the undertaker reasonably believes it to be necessary to do so for the purposes of the construction and/or carrying out of the authorised development.

(a) 2009 c.23; there are amendments that are not relevant to this Order.

(5) The undertaker is not required to obtain any consent to remove a hedgerow referred to in paragraph (4) under the Hedgerows Regulations 1997^(a).

(6) Reference to “planning permission” in regulation 6 (*permitted work*) of the Hedgerows Regulations 1997 includes this Order.

(7) In this article—

(a) “hedgerow” includes—

(i) hedgerows to which the Hedgerows Regulations 1997 apply; and

(ii) any part of a hedgerow; and

(b) the “hedgerow plans” mean the drawings listed in Part 5 (*hedgerow plans*) of Schedule 2 (*plans*) and certified as the hedgerow plans by the Secretary of State for the purposes of this Order.

(8) 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 of the 1961 Act.

Trees subject to tree preservation orders

45.—(1) The undertaker may fell or lop any tree in respect of which a tree preservation order has been made on or after 10 June 2014, or cut back its roots if it reasonably believes it to be necessary in order to do so to prevent the tree or shrub—

(a) from obstructing or interfering with the construction, maintenance or operation of the authorised development or any apparatus used in connection with the authorised development; or

(b) from constituting a danger to persons constructing, maintaining, operating or using the authorised development.

(2) In carrying out any activity authorised by paragraph (1)—

(a) the undertaker must not do unnecessary damage to any tree or shrub 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) of the 1990 Act (*replacement of trees*) does not apply.

(3) The authority given by paragraph (1) constitutes a deemed consent under the relevant tree preservation order.

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

(5) In this article “tree preservation order” means an order made or having effect as if made under section 198 of the Town and Country Planning Act 1990.

Resumption of land use following certain works

46.—(1) This article applies to the resumption of the use of land used for the specified works for the use for which that land had normally been used before this Order was made.

(2) Where this article applies, section 57(2) of the 1990 Act (*planning permission required for development*) applies as if the development consent granted by this Order were planning permission to develop land granted for a limited period.

(3) In this article “specified works” means Work Nos. 2A, 7, 12, 14A(a) and paragraph (b) (*further associated development*) of Schedule 1 (*authorised development*).

Application of the Community Infrastructure Levy

47. The Community Infrastructure Levy Regulations 2010^(b) apply to the authorised development as if this Order were a planning permission (for the purposes of regulation 5(1) of those Regulations) which (for the purposes of regulation 5(2) of those Regulations) had been granted for a limited period.

(a) S.I. 1997/1160, to which there are amendments not relevant to this Order.

(b) S.I. 2010/948.

Protective provisions

48. Schedule 11 (*protective provisions*) to this Order has effect.

Certification of plans etc.

49.—(1) The undertaker 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 temporary stopping up plans;
- (b) the approved plans;
- (c) the Barmston Pumping Station parameter plan;
- (d) the book of reference;
- (e) the Camblesforth Multi-junction parameter plan;
- (f) the code of construction practice;
- (g) the drainage strategy;
- (h) the environmental statement;
- (i) the flood risk assessment;
- (j) the hedgerow plans;
- (k) the land plans;
- (l) the project design statement; and
- (m) the works plans,

for certification that they are true copies of the plans or 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

50.—(1) A notice or other document required or authorised to be served, given or supplied under this Order may be served, given or supplied in any of these ways—

- (a) by delivering it to the person on whom it is to be served or to whom it is to be given or supplied;
- (b) by leaving it at the usual or last known place of abode of that person or, in a case where an address for service has been given by that person, at that address;
- (c) by sending it by post, addressed to that person at that person's usual or last known place of abode or, in a case where an address for service has been given by that person, at that address;
- (d) by sending it in a prepaid registered letter, or by the recorded delivery service, addressed to that person at that person's usual or last known place of abode or, in a case where an address for service has been given by that person, at that address;
- (e) in a case where an address for service using electronic communications has been given by that person, by sending it using electronic communications, in accordance with the condition set out in paragraph (2), to that person at that address;
- (f) in the case of an incorporated company or body—
 - (i) by delivering it to the secretary or clerk of the company or body at their registered or principal office;
 - (ii) by sending it by post, addressed to the secretary or clerk of the company or body at that office; or
 - (iii) by sending it in a prepaid registered letter or, or by the recorded delivery service, addressed to the secretary or clerk of the company or body at that office.

(2) The condition mentioned in sub-paragraph (e) is that the notice or other document must be -

- (a) capable of being accessed by the person mentioned in that provision;
- (b) legible in all material respects; and
- (c) in a form sufficiently permanent to be used for subsequent reference.

(3) For the purposes of paragraph (2), “legible in all material respects” means that the information contained in the notice or document is available to that person to no lesser extent than it would be if served, given or supplied by means of a notice or document in printed form.

Arbitration

51. Any difference or dispute under any provision of this Order (other than a difference or dispute which falls to be determined by the tribunal) must, unless otherwise provided for in this Order or unless otherwise agreed between the parties, 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.

Requirements

52.—(1) Schedule 3 (*requirements*) of this Order has effect.

(2) Save for paragraphs 2 (*time limits*), 3 (*approved details*), 4 (*stages of authorised development*), 7 (*European protected species*), 8 (*scheme of ecological mitigation and reinstatement*), 9 (*water*), 10 (*removal of trees and hedgerows*), 12 (*archaeology*), 13 (*construction hours*), 14 (*code of construction practice*), 15 (*noise*), 18 (*construction traffic plan*), 19 (*restoration of land used temporarily for construction*), 20 (*requirement for written approval*), 21 (*amendments to approved details*), and 22 (*decommissioning*) of Schedule 3 (*requirements*) and the definitions in paragraph 1 (*interpretation*) of Schedule 3 (*requirements*) which relate to those paragraphs, Schedule 3 (*requirements*) does not apply to Work Nos. 5C and 15B of Schedule 1 (*authorised development*) so far as these fall within the UK marine area.

Procedure in relation to certain approvals etc.

53. Schedule 14 (*procedure in relation to certain approvals etc.*) to this Order has effect.

Saving for Trinity House

54. Nothing in this Order prejudices or derogates from any of the rights, duties or privileges of Trinity House; and in this article “Trinity House” has the same meaning as that given in paragraph 1 (*interpretation*) of Part 1 of Schedule 10 (*deemed marine licence under Part 4 (marine licensing) of the Marine and Coastal Access Act 2009*).

Signed by authority of the Secretary of State

[●] [●] 201[●]

[Name of Secretary of State]
Department of [●]

SCHEDULES

SCHEDULE 1

Articles 2 and 4

AUTHORISED DEVELOPMENT

A nationally significant infrastructure project as defined in sections 14 and 21 of the 2008 Act and associated development within the meaning of section 115 of the 2008 Act comprising the works described below.

In the District of Selby in the County of North Yorkshire and in the East Riding of Yorkshire—

Work No. 1A – A carbon dioxide pipeline inspection facility at Drax, to be known as the Drax PIG Trap, including the following works and structures—

- (a) construction and/or installation of above and below ground piping, piping bridles and bypasses, insulation joints, valves, actuators, vents, analysers, meters and filtration;
- (b) construction and/or installation of a PIG trap reception and insertion area including associated hard standing, pipe supports, instrument building and associated photo voltaic cells, hard standing for temporary generator, backfilled pits and chambers, gated security fence and cameras, pedestrian access, satellite dish, troughs, trays, ducting, drainage and drainage attenuation, internal vehicular access routes, turning areas, pedestrian areas, post and rail fencing and landscape screening;
- (c) electrical and instrumentation construction and/or installation including instrumentation, electrical cables, earthing protection, electricity and communications kiosks, satellite dish, control and telecommunications cables, utilities and utility metering, intruder detection systems and closed circuit television;
- (d) works, including pipes, to enable a tie in to the White Rose carbon capture and storage project adjacent to Drax power station, Selby; and
- (e) extensions of those parts of the carbon dioxide pipeline comprised in Work No. 3A, the cathodic protection facility comprised in Work No. 1B and an access road which link to elements within this Work No. 1A.

Work No. 1B – A cathodic protection facility including a transformer rectifier kiosk with control cabinet and junction box surrounded by a post and rail fence; anode canisters, electrical and cathodic protection cables, utility meter and cabling; and cathodic protection test posts and aerial markers.

Work No. 2A – A temporary pipeline store and office area including temporary—

- (a) office, welfare and security facilities;
- (b) power supplies and temporary lighting;
- (c) enclosures;
- (d) pipe, equipment and fittings storage;
- (e) plant storage;
- (f) fabrication area;
- (g) waste storage areas;
- (h) spoil storage areas;
- (i) internal haul roads;
- (j) access parking; and
- (k) water management areas.

Work No. 3A – A carbon dioxide pipeline from Drax PIG Trap (Work No. 1A) to Pear Tree Avenue (Work No. 3B), approximate chainage 1592 metres, laid in trench, in sleeves or by trenchless methods; such pipeline to be not less than 1.2 metres below ground surface (or not less than 1.7 metres below the

true clean bottom of rivers, streams, open drains, canals or dykes, but excluding land drains, culverts or sewers and not less than 2 metres below public highways where applicable) save where the pipeline rises to interface with the Drax PIG Trap (Work No. 1A).

Work No. 3B – A carbon dioxide pipeline from and beneath Pear Tree Avenue, approximate chainage 1592 metres, to Carr Lane (Work No. 3C), approximate chainage 2313 metres, laid in trench, in sleeves or by trenchless methods; such pipeline to be not less than 1.2 metres below ground surface (or not less than 1.7 metres below the true clean bottom of rivers, streams, open drains, canals or dykes, but excluding land drains, culverts or sewers and not less than 2 metres below public highways where applicable).

Work No. 3C – A carbon dioxide pipeline from and beneath Carr Lane, approximate chainage 2313 metres, to Main Road (Work No. 3D), approximate chainage 2972 metres, laid in trench, in sleeves or by trenchless methods (save beneath the open drain/ditch adjacent to the disused railway embankment at approximate chainage 2478 metres where it must be laid by trenchless methods); such pipeline to be not less than 1.2 metres below ground surface (or not less than 1.7 metres below the true clean bottom of rivers, streams, open drains, canals or dykes, but excluding land drains, culverts or sewers and not less than 2 metres below public highways where applicable).

Work No. 3D – A carbon dioxide pipeline from and beneath Main Road, approximate chainage 2972 metres, to Church Dike Lane (Work No. 3E), approximate chainage 3933 metres, laid in trench, in sleeves or by trenchless methods; such pipeline to be not less than 1.2 metres below ground surface (or 1.7 metres below the true clean bottom of rivers, streams, open drains, canals or dykes, but excluding land drains, culverts or sewers and not less than 2 metres below public highways where applicable).

Work No. 3E – A carbon dioxide pipeline from and beneath Church Dike Lane, approximate chainage 3933 metres, to Brickhill Lane (Work No. 3F), approximate chainage 4713 metres, laid in trench, in sleeves or by trenchless methods; such pipeline to be not less than 1.2 metres below ground surface (or 1.7 metres below the true clean bottom of rivers, streams, open drains, canals or dykes, but excluding land drains, culverts or sewers and not less than 2 metres below public highways where applicable).

Work No. 3F – A carbon dioxide pipeline from and beneath Brickhill Lane, from approximate chainage 4713 metres to A645 (Work No. 3E), approximate chainage 5298 metres, laid in trench, in sleeves or by trenchless methods; such pipeline to be not less than 1.2 metres below ground surface (or not less than 1.7 metres below the true clean bottom of rivers, streams, open drains, canals or dykes, but excluding land drains, culverts or sewers and not less than 2 metres below public highways where applicable).

Work No. 3G – A carbon dioxide pipeline from and beneath A645, approximate chainage 5298 metres, to Camblesforth Multi-Junction (Work No. 4A), approximate chainage 5630 metres, laid in trench, in sleeves or by trenchless methods; such pipeline to be not less than 1.2 metres below ground surface (or not less than 1.7 metres below the true clean bottom of rivers, streams, open drains, canals or dykes, but excluding land drains, culverts or sewers and not less than 2 metres below public highways where applicable) save where the pipeline rises to interface with the Camblesforth Multi Junction (Work No. 4A).

Work No. 4A – A carbon dioxide pipeline multiple inspection facility at Camblesforth, to be known as the Camblesforth Multi-junction, including the following works and structures—

- (a) construction and/or installation of above and below ground piping, piping bridles and bypasses, insulation joints, valves, actuators and vents;
- (b) construction and/or installation of up to 5 PIG trap reception and insertion areas including associated hard standing, pipe supports, instrument building and associated photo voltaic cells, hard standing for temporary generator, backfilled pits and chambers, gated security fence, pedestrian access, satellite dish, troughs, trays, ducting, drainage and drainage attenuation, internal vehicular access routes, turning areas, pedestrian areas, post and rail fencing and landscape screening;
- (c) electrical and instrumentation construction and/or installation including instrumentation, electrical cables, earthing protection, electricity and communications kiosks, satellite dish, control and telecommunications cables, utilities and utility metering, intruder detection systems and closed circuit television; and
- (d) extensions of those parts of the carbon dioxide pipeline comprised in Work No. 3G and Work No.5A, the cathodic protection facility comprised in Work No. 4B and the road comprised in

Work No. 4C which link to elements within this Work No. 4A.

Work No. 4B – A cathodic protection facility including a transformer rectifier kiosk with control cabinet and junction box surrounded by a post and rail fence; anode canisters, electrical and cathodic protection cables, utility meter and cabling; and cathodic protection test posts and aerial markers.

Work No. 4C – A road from A645 / Wade House Lane junction up to and including the carbon dioxide facility at Camblesforth Multi-junction (Work No. 4A) including any splays, gates, fencing, drainage, drainage attenuation and interceptors, piped culverts, utilities, associated ducting and landscape works.

Work No. 4D – A temporary pipeline store and office area including temporary–

- (a) office, welfare and security facilities;
- (b) power supplies and temporary lighting;
- (c) enclosures;
- (d) pipe, equipment and fittings storage;
- (e) plant storage;
- (f) fabrication area;
- (g) waste storage areas;
- (h) spoil storage areas;
- (i) internal haul roads;
- (j) access parking; and
- (k) water management areas.

CAMBLESFORTH TO TOLLINGHAM

Work No. 5A – A carbon dioxide pipeline from Camblesforth Multi-junction (Work No. 4A) to the A645, approximate chainage 5984 metres, laid in trench, in sleeves or by trenchless methods; such pipeline to be not less than 1.2 metres below ground surface (or not less than 1.7 metres below the true clean bottom of rivers, streams, open drains, canals or dykes, but excluding land drains, culverts or sewers and not less than 2 metres below public highways where applicable) save where the pipeline rises to interface with the Camblesforth Multi-junction (Work No. 4A).

Work No. 5B – A carbon dioxide pipeline from and beneath the A645, approximate chainage 5984 metres to Church Dike Lane (Work No. 5C), approximate chainage 7458 metres, laid in trench, in sleeves or by trenchless methods; such pipeline to be not less than 1.2 metres below ground surface (or not less than 1.7 metres below the true clean bottom of rivers, streams, open drains, canals or dykes, but excluding land drains, culverts or sewers and not less than 2 metres below public highways where applicable).

Work No. 5C – A carbon dioxide pipeline from and beneath Church Dike Lane, approximate chainage 7458 metres, to Barmby Road (Work No. 5D), approximate chainage 11,089 metres, laid in trench, in sleeves or by trenchless methods (save beneath the true clean bottom of the River Ouse where it must be laid by trenchless methods); such pipeline to be not less than 1.2 metres below ground surface (or not less than 1.7 metres below the true clean bottom of rivers (other than beneath the River Ouse, where the pipeline is to be not less than 3.5 metres below its true clean bottom), streams, open drains, canals or dykes but excluding land drains, culverts or sewers and not less than 2 metres below public highways and the true clean bottom of the River Ouse where applicable).

Work No. 5D – A carbon dioxide pipeline from and beneath Barmby Road, approximate chainage 11,089 metres, to the A63, Hull Road (Work No. 5E), approximate chainage 12,969 metres, laid in trench, in sleeves or by trenchless methods; such pipeline to be not less than 1.2 metres below ground surface (or not less than 1.7 metres below the true clean bottom of rivers, streams, open drains, canals or dykes, but excluding land drains, culverts or sewers and not less than 2 metres below public highways where applicable).

Work No. 5E – A carbon dioxide pipeline from and beneath the A63, Hull Road, approximate chainage 129,69 metres, to Brind Lane (Work No. 5F), approximate 15,252 metres, laid in trench, in sleeves or by trenchless methods (save beneath the Howden to Wressle railway line where it must be laid by trenchless methods); such pipeline to be not less than 1.2 metres below ground surface (or not

less than 1.7 metres below the true clean bottom of rivers, streams, open drains, canals or dykes, but excluding land drains, culverts or sewers, not less than 2 metres below public highways or not less than 4 metres below the underside of the railway sleepers comprised in the Howden to Wressle railway line where applicable).

Work No. 5F – A carbon dioxide pipeline from and beneath Brind Lane, approximate chainage 15,252 metres, to the B1228, Wood Lane (Work No. 5G), approximate chainage 16,603 metres, laid in trench, in sleeves or by trenchless methods; such pipeline to be not less than 1.2 metres below ground surface (or not less than 1.7 metres below the true clean bottom of rivers, streams, open drains, canals or dykes, but excluding land drains, culverts or sewers and not less than 2 metres below public highways where applicable).

Work No. 5G – A carbon dioxide pipeline from and beneath the B1228, Wood Lane, approximate chainage 16,603 metres, to the A614, Holme Road (Work No. 5H), approximate chainage 20,737 metres, laid in trench, in sleeves or by trenchless methods; such pipeline to be not less than 1.2 metres below ground surface (or not less than 1.7 metres below the true clean bottom of rivers, streams, open drains, canals or dykes, but excluding land drains, culverts or sewers and not less than 2 metres below public highways where applicable).

Work No. 5H – A carbon dioxide pipeline from and beneath the A614, Holme Road, approximate chainage 20,737 metres, to Burse Lane (Work No. 5I), approximate chainage 23,217 metres, laid in trench, in sleeves or by trenchless methods (save beneath the bed of the River Foulness where it must be laid by trenchless methods); such pipeline to be not less than 1.2 metres below ground surface (or not less than 1.7 metres below the true clean bottom of rivers, streams, open drains, canals or dykes, but excluding land drains, culverts or sewers and not less than 2 metres below public highways and the true clean bottom of the River Foulness where applicable).

Work No. 5I – A carbon dioxide pipeline from and beneath Burse Lane, approximate chainage 23,217 metres, to Drain Lane (Work No. 5J), approximate chainage 24,757 metres, laid in trench, in sleeves or by trenchless methods; such pipeline to be not less than 1.2 metres below ground surface (or not less than 1.7 metres below the true clean bottom of rivers, streams, open drains, canals or dykes, but excluding land drains, culverts or sewers and not less than 2 metres below public highways where applicable).

Work No. 5J – A carbon dioxide pipeline from and beneath Drain Lane, approximate chainage 24,757 metres, to Tollingham Block Valve (Work No. 6A), laid in trench, in sleeves or by trenchless methods; such pipeline to be not less than 1.2 metres below ground surface (or not less than 1.7 metres below the true clean bottom of rivers, streams, open drains, canals or dykes, but excluding land drains, culverts or sewers and not less than 2 metres below public highways where applicable) save where the pipeline rises to interface with Tollingham Block Valve (Work No 6A).

Work No. 6A – A carbon dioxide pipeline isolation facility at Tollingham, to be known as the Tollingham Block Valve, including the following works and structures—

- (a) construction and/or installation including above and below ground piping, piping bridles and bypasses, insulation joints, valves, actuators and vents;
- (b) construction and/or installation including pipe supports, instrument building and associated photo voltaic cells, hard standing for temporary generator, backfilled pits and chambers, gated security fence and cameras, pedestrian access, satellite dish, troughs, trays, ducting, drainage and drainage attenuation, internal vehicular access routes, turning areas, pedestrian areas, post and rail fencing and landscape screening;
- (c) electrical and instrumentation construction and/or installation including instrumentation, electrical cables, earthing protection, satellite dish, control and telecommunications cables, utility metering, intruder detection systems and closed circuit television; and
- (d) extensions of those parts of the carbon dioxide pipeline comprised in Work No. 5J and Work No.8A, the cathodic protection facility comprised in Work No. 6B and the road comprised in Work No. 6C which link to elements within this Work No. 6A.

Work No. 6B – A cathodic protection facility including a transformer rectifier kiosk with control cabinet and junction box surrounded by a post and rail fence; anode canisters, electrical and cathodic protection cables, utility meter and cabling; and cathodic protection test posts and aerial markers.

Work No. 6C - A road from Skiff Lane up to and including the carbon dioxide facility at Tollingham

Block Valve (Work No. 6A) including any splays, gates, fencing, drainage, drainage attenuation and interceptors, piped culverts, electricity kiosk, utilities, associated ducting and landscape works.

Work No. 6D – A temporary pipeline store and office area including temporary—

- (a) office, welfare and security facilities;
- (b) power supplies and temporary lighting;
- (c) enclosures;
- (d) pipe, equipment and fittings storage;
- (e) plant storage;
- (f) fabrication area;
- (g) waste storage areas;
- (h) spoil storage areas;
- (i) internal haul roads;
- (j) access parking; and
- (k) water management areas.

Work No. 7 – A temporary pipeline store and office area to be known as Tollingham Construction Compound including temporary—

- (a) office, welfare and security facilities;
- (b) power supplies and temporary lighting;
- (c) enclosures;
- (d) pipe, equipment and fittings storage;
- (e) plant storage;
- (f) fabrication area;
- (g) waste storage areas;
- (h) spoil storage areas;
- (i) internal haul roads;
- (j) access parking;
- (k) vehicle maintenance area including washing facilities; and
- (l) water management areas.

TOLLINGHAM TO DALTON

Work No. 8A – A carbon dioxide pipeline from Tollingham Block Valve (Work No. 6A) to Skiff Lane, approximate chainage 26,010 metres, laid in trench, in sleeves or by trenchless methods; such pipeline to be not less than 1.2 metres below ground surface (or not less than 1.7 metres below the true clean bottom of rivers, streams, open drains, canals or dykes, but excluding land drains, culverts or sewers and not less than 2 metres below public highways where applicable) save where the pipeline rises to interface with the Tollingham Block Valve (Work No. 6A).

Work No. 8B – A carbon dioxide pipeline from and beneath Skiff Lane, approximate chainage 26,010 metres, to Lock Lane (Work No. 8C), approximate chainage 27,238 metres, laid in trench, in sleeves or by trenchless methods; such pipeline to be not less than 1.2 metres below ground surface (or not less than 1.7 metres below the true clean bottom of rivers, streams, open drains, canals or dykes, but excluding land drains, culverts or sewers and not less than 2 metres below public highways where applicable).

Work No. 8C – A carbon dioxide pipeline from and beneath Lock Lane, approximate chainage 27,238 metres, to Sands Lane (Work No. 8D), approximate chainage 29,025 metres, laid in trench, in sleeves or by trenchless methods (save beneath the bed of the disused Market Weighton Canal where it must be laid by trenchless methods); such pipeline to be not less than 1.2 metres below ground surface (or not less than 1.7 metres below the true clean bottom of rivers, streams, open drains, canals or dykes, but excluding land drains, culverts or sewers and not less than 2 metres below public highways or the beneath the true clean bottom of the disused Market Weighton Canal where applicable).

Work No. 8D – A carbon dioxide pipeline from and beneath Sands Lane, approximate chainage

29,025 metres, to Cliffe Road (Work No. 8E), approximate chainage 32,750 metres, laid in trench, in sleeves or by trenchless methods; such pipeline to be not less than 1.2 metres below ground surface (or not less than 1.7 metres below the true clean bottom of rivers, streams, open drains, canals or dykes, but excluding land drains, culverts or sewers and not less than 2 metres below public highways where applicable).

Work No. 8E – A carbon dioxide pipeline from and beneath Cliffe Road, approximate chainage 32,750 metres, to the A1034 Sancton Road (Work No. 8F), approximate chainage 34,547 metres, laid in trench, in sleeves or by trenchless methods; such pipeline to be not less than 1.2 metres below ground surface (or not less than 1.7 metres below the true clean bottom of rivers, streams, open drains, canals or dykes, but excluding land drains, culverts or sewers and not less than 2 metres below public highways where applicable).

Work No. 8F – A carbon dioxide pipeline from and beneath the A1034 Sancton Road, approximate chainage 34,547 metres, to the A1079 Arras Hill (Work No. 8G), approximate chainage 36,283 metres, laid in trench, in sleeves or by trenchless methods; such pipeline to be not less than 1.2 metres below ground surface (or 1.7 metres below the true clean bottom of rivers, streams, open drains, canals or dykes, but excluding land drains, culverts or sewers and not less than 2 metres below public highways where applicable).

Work No. 8G – A carbon dioxide pipeline from and beneath the A1079 Arras Hill, approximate chainage 36,283 metres, to Kiplingcotes Lane (Work No. 8H), approximate chainage 39,393 metres, laid in trench, in sleeves or by trenchless methods; such pipeline to be not less than 1.2 metres below ground surface (or 1.7 metres below the true clean bottom of rivers, streams, open drains, canals or dykes, but excluding land drains, culverts or sewers and not less than 2 metres below public highways where applicable).

Work No. 8H – A carbon dioxide pipeline from and beneath Kiplingcotes Lane, approximate chainage 39,393 metres, to Kiplingcotes Road (Work No. 8I), approximate chainage 40,231 metres, laid in trench, in sleeves or by trenchless methods; such pipeline to be not less than 1.2 metres below ground surface (or 1.7 metres below the true clean bottom of rivers, streams, open drains, canals or dykes, but excluding land drains, culverts or sewers and not less than 2 metres below public highways where applicable).

Work No. 8I – A carbon dioxide pipeline from and beneath Kiplingcotes Road, approximate chainage 40,231 metres, to Kiplingcotes Race Course Road (Work No. 8J), approximate chainage 40,600 metres, laid in trench, in sleeves or by trenchless methods; such pipeline to be not less than 1.2 metres below ground surface (or 1.7 metres below the true clean bottom of rivers, streams, open drains, canals or dykes, but excluding land drains, culverts or sewers and not less than 2 metres below public highways where applicable).

Work No. 8J – A carbon dioxide pipeline from and beneath Kiplingcotes Race Course Road, approximate chainage 40,600 metres to Park Road (Work No. 8K), approximate chainage 41,370 metres, laid in trench, in sleeves or by trenchless methods; such pipeline to be not less than 1.2 metres below ground surface (or 1.7 metres below the true clean bottom of rivers, streams, open drains, canals or dykes, but excluding land drains, culverts or sewers and not less than 2 metres below public highways where applicable).

Work No. 8K – A carbon dioxide pipeline from and beneath Park Road, approximate chainage 41,370 metres, to Holme Wold Road (Work No. 8L), approximate chainage 43,264 metres, laid in trench, in sleeves or by trenchless methods; such pipeline to be not less than 1.2 metres below ground surface (or 1.7 metres below the true clean bottom of rivers, streams, open drains, canals or dykes, but excluding land drains, culverts or sewers and not less than 2 metres below public highways where applicable).

Work No. 8L – A carbon dioxide pipeline from and beneath Holme Wold Road, approximate chainage 43,264 metres to Dalton Block Valve (Work No. 9A), laid in trench, in sleeves or by trenchless methods; all to be not less than 1.2 metres below ground surface (or 1.7 metres below the true clean bottom of rivers, streams, open drains, canals or dykes, but excluding land drains, culverts or sewers and not less than 2 metres below public highways where applicable) save where the pipeline rises to interface with Dalton Block Valve (Work No. 9A).

Work No. 9A – A carbon dioxide pipeline isolation facility at Dalton to be known as the Dalton Block Valve including the following works and structures—

- (a) construction and/or installation including above and below ground piping, piping bridles and bypasses, insulation joints, valves, actuators and vents;
- (b) construction and/or installation including pipe supports, instrument building and associated photo voltaic cells, hard standing for temporary generator, backfilled pits and chambers, gated security fence and cameras, pedestrian access, satellite dish, troughs, trays, ducting, drainage and drainage attenuation, internal vehicular access routes, turning areas, pedestrian areas, post and rail fencing and landscape screening;
- (c) electrical and instrumentation construction and/or installation including instrumentation, electrical cables, earthing protection, satellite dish, control and telecommunications cables, utility metering, intruder detection systems and closed circuit television; and
- (d) extensions of those parts of the carbon dioxide pipeline comprised in Work No. 8L and Work No.10A, the cathodic protection facility comprised in Work No. 9B and the road comprised in Work No. 9C which link to elements within this Work No. 9A.

Work No. 9B – A cathodic protection facility including a transformer rectifier kiosk with control cabinet and junction box surrounded by a post and rail fence; anode canisters, electrical and cathodic protection cables, utility meter and cabling; and cathodic protection test posts and aerial markers.

Work No. 9C – A road from Lund Wold Road up to and including the carbon dioxide facility at Dalton Block Valve (Work No. 9A) including any splays, gates, fencing, drainage, drainage attenuation and interceptors, piped culverts, electricity kiosk, utilities, associated ducting and landscape works.

Work No. 9D – A temporary pipeline store and office area including temporary—

- (a) office, welfare and security facilities;
- (b) power supplies and temporary lighting;
- (c) enclosures;
- (d) pipe, equipment and fittings storage;
- (e) plant storage;
- (f) fabrication area;
- (g) waste storage areas;
- (h) spoil storage areas;
- (i) internal haul roads;
- (j) access parking; and
- (k) water management areas.

DALTON TO SKERNE

Work No. 10A – A carbon dioxide pipeline from Dalton Block Valve (Work No. 9A) to Lund Wold Road (Work No. 10B), approximate chainage 45,909 metres, laid in trench, in sleeves or by trenchless methods; such pipeline to be not less than 1.2 metres below ground surface (or 1.7 metres below the true clean bottom of rivers, streams, open drains, canals or dykes, but excluding land drains, culverts or sewers and not less than 2 metres below public highways where applicable) save where the pipeline rises to interface with the Dalton Block Valve (Work No. 9A).

Work No. 10B – A carbon dioxide pipeline from and beneath Lund Wold Road, approximate chainage 45,909 metres, to Middleton Road (Work No. 10C), approximate chainage 46,874 metres, laid in trench, in sleeves or by trenchless methods; such pipeline to be not less than 1.2 metres below ground surface (or 1.7 metres below the true clean bottom of rivers, streams, open drains, canals or dykes, but excluding land drains, culverts or sewers and not less than 2 metres below public highways where applicable).

Work No. 10C – A carbon dioxide pipeline from and beneath Middleton Road, approximate chainage 46,874 metres, to the B1248 Lund Road (Work No. 10D), approximate chainage 47,913 metres, laid in trench, in sleeves or by trenchless methods; such pipeline to be not less than 1.2 metres below ground surface (or 1.7 metres below the true clean bottom of rivers, streams, open drains, canals or dykes, but excluding land drains, culverts or sewers and not less than 2 metres below public highways where applicable).

Work No. 10D – A carbon dioxide pipeline from and beneath the B1248 Lund Road, approximate chainage 47,913 metres, to Middleton Road (Work No. 10E), approximate chainage 48,823 metres, laid in trench, in sleeves or by trenchless methods; such pipeline to be not less than 1.2 metres below ground surface (or 1.7 metres below the true clean bottom of rivers, streams, open drains, canals or dykes, but excluding land drains, culverts or sewers and not less than 2 metres below public highways where applicable).

Work No. 10E - A carbon dioxide pipeline from and beneath Middleton Road, approximate chainage 48,823 metres to unnamed road from Bracken Lane to Burnbutts Lane (Work No. 10F), approximate chainage 50,921 metres, laid in trench, in sleeves or by trenchless methods; such pipeline to be not less than 1.2 metres below ground surface (or not less than 1.7 metres below the true clean bottom of rivers, streams, open drains, canals or dykes, but excluding land drains, culverts or sewers and not less than 2 metres below public highways where applicable).

Work No. 10F – A carbon dioxide pipeline from and beneath unnamed road from Bracken Lane to Burnbutts Lane, approximate chainage 50,921 metres, to Burnbutts Lane (Work No. 10G), approximate chainage 51,349 metres, laid in trench, in sleeves or by trenchless methods; such pipeline to be not less than 1.2 metres below ground surface (or not less than 1.7 metres below the true clean bottom of rivers, streams, open drains, canals or dykes, but excluding land drains, culverts or sewers and not less than 2 metres below public highways where applicable).

Work No. 10G – A carbon dioxide pipeline from and beneath Burnbutts Lane, approximate chainage 51,349 metres, to Southburn Road (Work No. 10H), approximate chainage 54,681 metres, laid in trench, in sleeves or by trenchless methods; such pipeline to be not less than 1.2 metres below ground surface (or not less than 1.7 metres below the true clean bottom of rivers, streams, open drains, canals or dykes, but excluding land drains, culverts or sewers and not less than 2 metres below public highways where applicable).

Work No. 10H – A carbon dioxide pipeline from and beneath Southburn Road, approximate chainage 54,681 metres, to the A164, Beverley Road (Work No. 10I), approximate chainage 54,964 metres, laid in trench, in sleeves or by trenchless methods; such pipeline to be not less than 1.2 metres below ground surface (or not less than 1.7 metres below the true clean bottom of rivers, streams, open drains, canals or dykes, but excluding land drains, culverts or sewers and not less than 2 metres below public highways where applicable).

Work No. 10I – A carbon dioxide pipeline from and beneath the A164, Beverley Road, approximate chainage 54,964 metres, to Jenkinson Lane (Work No. 10J), approximate chainage 55,172 metres, laid in trench, in sleeves or by trenchless methods; such pipeline to be not less than 1.2 metres below ground surface (or not less than 1.7 metres below the true clean bottom of rivers, streams, open drains, canals or dykes, but excluding land drains, culverts or sewers and not less than 2 metres below public highways where applicable).

Work No. 10J – A carbon dioxide pipeline from and beneath Jenkinson Lane, approximate chainage 55,172 metres, to Ricklepits (Work No. 10K), approximate chainage 57,185 metres, laid in trench, in sleeves or by trenchless methods (save beneath the Driffield to Hutton Cranswick railway line where it must be laid by trenchless methods); such pipeline to be not less than 1.2 metres below ground surface (or not less than 1.7 metres below the true clean bottom of rivers, streams, open drains, canals or dykes, but excluding land drains, culverts or sewers, not less than 2 metres below public highways or not less than 4 metres below the underside of the railway sleepers comprised in the Driffield to Hutton Cranswick railway line where applicable).

Work No. 10K – A carbon dioxide pipeline from and beneath Ricklepits, approximate chainage 57,185metres, to Skerne Block Valve (Work No. 11A), laid in trench, in sleeves or by trenchless methods; such pipeline to be not less than 1.2 metres below ground surface (or not less than 1.7 metres below the true clean bottom of rivers, streams, open drains, canals or dykes, but excluding land drains, culverts or sewers and not less than 2 metres below public highways where applicable) save where the pipeline rises to interface with Skerne Block Valve (Work No. 11A).

Work No. 11A – A carbon dioxide pipeline isolation facility at Skerne, to be known as the Skerne Block Valve, including the following works and structures—

- (a) construction and/or installation of above and below ground piping, piping bridles and bypasses, insulation joints, valves, actuators and vents;
- (b) construction and/or installation of pipe supports, instrument building and associated photo

voltaic cells, hard standing for temporary generator, backfilled pits and chambers, gated security fence and cameras, pedestrian access, satellite dish, troughs, trays, ducting, drainage and drainage attenuation, internal vehicular access routes, turning areas, pedestrian areas, post and rail fencing and landscape screening;

- (c) electrical and instrumentation construction and/or installation including instrumentation, electrical cables, earthing protection, satellite dish, control and telecommunications cables, utility metering, intruder detection systems and closed circuit television; and
- (d) extensions of those parts of the carbon dioxide pipeline comprised in Work No. 10K and Work No.13A, the cathodic protection facility comprised in Work No. 11B and the road comprised in Work No. 11C which link to elements within this Work No. 11A.

Work No. 11B – A cathodic protection facility including a transformer rectifier kiosk with control cabinet and junction box surrounded by a post and rail fence; anode canisters, electrical and cathodic protection cables, utility meter and cabling; and cathodic protection test post and aerial markers.

Work No. 11C – A road from Main Street up to and including the carbon dioxide facility at Skerne Block Valve (Work No. 11A) including any splays, gates, fencing, drainage, drainage attenuation and interceptors, piped culverts, electricity kiosk, utilities, associated ducting and landscape works.

Work No. 11D – A temporary pipeline store and office area including temporary—

- (a) office, welfare and security facilities;
- (b) power supplies and temporary lighting;
- (c) enclosures;
- (d) pipe, equipment and fittings storage;
- (e) plant storage;
- (f) fabrication area;
- (g) waste storage areas;
- (h) spoil storage areas;
- (i) internal haul roads;
- (j) access parking; and
- (k) water management areas.

Work No. 12 – A temporary pipeline store and office area, to be known as the Driffield Construction Compound, including temporary—

- (a) office, welfare and security facilities;
- (b) power supplies and temporary lighting;
- (c) enclosures;
- (d) pipe, equipment and fittings storage;
- (e) plant storage;
- (f) fabrication area;
- (g) waste storage areas;
- (h) spoil storage areas;
- (i) internal haul roads;
- (j) access parking;
- (k) vehicle maintenance area including washing facilities; and
- (l) water management areas.

SKERNE TO PUMPING STATION

Work No. 13A - A carbon dioxide pipeline from Skerne Block Valve (Work No. 11A) to the B1249, Frodingham Road (Work No. 13B), approximate chainage 60,990 metres, laid in trench, in sleeves or by trenchless methods (save beneath the beds of the River Hull and the Driffield Canal where it must be laid by trenchless methods); such pipeline to be not less than 1.2 metres below ground surface (or not less than 1.7 metres below the true clean bottom of rivers, streams, open drains, canals or dykes, but excluding land drains, culverts or sewers and not less than 2 metres below public highways or the

true clean bottom of the River Hull and the Driffield Canal where applicable) save where the pipeline rises to interface with the Skerne Block Valve (Work No. 11A).

Work No. 13B – A carbon dioxide pipeline from and beneath the B1249, Frodingham Road, approximate chainage 60,990 metres, to Main Street (Work No. 13C), approximate chainage 64,982 metres, laid in trench, in sleeves or by trenchless methods (save beneath the beds of the Nafferton Highland Spring Drain, White Dike and Kelk Beck where it must be laid by trenchless methods); such pipeline to be not less than 1.2 metres below ground surface (or not less than 1.7 metres below the true clean bottom of rivers, streams, open drains, canals or dykes, but excluding land drains, culverts or sewers and not less than 2 metres below public highways and the true clean bottom of the Nafferton Highland Spring Drain, White Dike and Kelk Beck where applicable).

Work No. 13C – A carbon dioxide pipeline from and beneath Main Street, approximate chainage 64,982 metres, to Gransmoor Road (Work No. 13D), approximate chainage 68,618 metres, laid in trench, in sleeves or by trenchless methods; such pipeline to be not less than 1.2 metres below ground surface (or not less than 1.7 metres below the true clean bottom of rivers, streams, open drains, canals or dykes, but excluding land drains, culverts or sewers and not less than 2 metres below public highways where applicable).

Work No. 13D – A carbon dioxide pipeline from and beneath Gransmoor Road, approximate chainage 68,618 metres, to the A165, Bridlington Road (Work No. 13E), approximate chainage 71,453 metres, laid in trench, in sleeves or by trenchless methods; such pipeline to be not less than 1.2 metres below ground surface (or not less than 1.7 metres below the true clean bottom of rivers, streams, open drains, canals or dykes, but excluding land drains, culverts or sewers and not less than 2 metres below public highways where applicable).

Work No 13E – A carbon dioxide pipeline from and beneath the A165, Bridlington Road, approximate chainage 71,453 metres, to Barmston Pumping Station (Work No. 14A), laid in trench, in sleeves or by trenchless methods; such pipeline to be not less than 1.2 metres below ground surface (or not less than 1.7 metres below the true clean bottom of rivers, streams, open drains, canals or dykes, but excluding land drains, culverts or sewers and not less than 2 metres below public highways where applicable) save where the pipeline rises to interface with Barmston Pumping Station (Work No. 14A).

PUMPING STATION

Work No. 14A – A carbon dioxide pumping facility at Barmston, to be known as the Barmston Pumping Station, including the following works and structures—

- (a) temporary working area for constructing the Barmston Pumping Station including temporary—
 - (i) office, welfare and security facilities;
 - (ii) power supplies and temporary lighting;
 - (iii) enclosures;
 - (iv) pipe, equipment and fittings storage;
 - (v) plant storage
 - (vi) fabrication area;
 - (vii) waste storage areas;
 - (viii) spoil handling and storage areas;
 - (ix) internal haul roads;
 - (x) access and parking; and
 - (xi) water management areas;
- (b) water supply works, foul drainage provision, surface water management system and culverting;
- (c) construction and/or installation of two PIG trap reception and insertion areas including above and below ground piping, piping bridles and bypasses, filtration, meters, analysers, pumping facility bypass, insulation joints, actuators, vents and vent stacks, valves (including non return valves, emergency shutdown valves and recycle valves), coolers, chillers, monoethylene glycol (MEG) tank and water tank;
- (d) construction and/or installation of pipe supports, local and remote instrument building and

associated photo voltaic cells, control and domestic building, stores areas, workshops, pump houses, air and nitrogen building, substation, switchroom, variable speed drive containers, metering buildings, analyser building, associated bottle store and hard standing hard standing for temporary generator, backfilled pits and chambers, gated security fence and cameras, pedestrian access, lighting columns, satellite dish, weather station, troughs, trays, ducting, internal vehicular access routes, turning areas, pedestrian areas, pond, post and rail fencing and landscape screening, planting and earthworks;

- (e) construction and/or installation of instrumentation, electrical cables, earthing protection, satellite dish, control and telecommunications cables, utility metering, intruder detection systems and closed circuit television, electrical cables, cathodic protection facility including a transformer rectifier kiosk, anode canisters, electrical and cathodic protection cables, utility supplies, meters and cabling, earthing protection, backfilled pits and chambers, electricity and communications kiosks, control and telecommunications cables, troughs, trays, ducting, drainage and drainage attenuation; and
- (f) extensions of those parts of the carbon dioxide pipeline comprised in Work No. 13E and Work No. 15A and the road comprised in Work No 14B which link to elements within this Work No.

Work No. 14B – A cathodic protection facility including a transformer rectifier kiosk with control cabinet and junction box surrounded by a post and rail fence; anode canisters, electrical and cathodic protection cables, utility meter and cabling; and cathodic protection test posts and aerial markers.

Work No. 14C – Modifications to Sands Road between A165, Bridlington Road and Sands Road track; modification of junction between Sands Road tarmac road and Sands Road track; upgrading Sands Road track between junction with Sands Road tarmac road and access to Barmston Pumping Station; and a road from Sands Road track up to and including the Barmston Pumping Station (Work No. 14A) including any splays, gates, fencing, drainage, drainage attenuation and interceptors, piped culverts, utilities, associated ducting and landscape screening.

Work No. 14D – A temporary pipeline store and office areas including temporary—

- (a) office, welfare and security facilities;
- (b) power supplies and temporary lighting;
- (c) enclosures;
- (d) pipe, equipment and fittings storage;
- (e) plant storage;
- (f) fabrication area;
- (g) waste storage areas;
- (h) spoil storage areas;
- (i) internal haul roads;
- (j) access parking;
- (k) vehicle maintenance area including washing facilities; and
- (l) water management areas.

LANDFALL

Work No. 15A – A carbon dioxide pipeline from Barmston Pumping Station (Work No. 14A) to a landfall drive shaft (Work No. 15B), approximate chainage 73,094 metres, laid in trench, in sleeves or by trenchless methods; such pipeline to be not less than 1.2 metres below ground surface save where the pipeline rises to interface with the Barmston Pumping Station (Work No. 14A).

Work No. 15B A carbon dioxide pipeline from a landfall drive shaft comprised in this Work No. 15B to mean low water spring tide (which has the same meaning as that given in Schedule 10 (deemed marine licence under Part 4 (marine licensing) of the Marine and Coastal Access Act 2009), approximate chainage 73,568 metres, laid by trench in sleeves or by trenchless methods (save beneath the cliffs where it must be laid by trenchless methods); such pipeline to be not less than 1.2 metres below ground surface; and which may include the following works and structures—

- (a) temporary working areas including temporary—
 - (i) office, welfare and security facilities;

- (ii) power supplies and temporary lighting;
- (iii) workshops and stores;
- (iv) materials and pipe, equipment and fittings storage;
- (v) water tanks;
- (vi) control cabin;
- (vii) waste storage areas;
- (viii) spoil handling and storage areas, spoil separators and settlement lagoons;
- (ix) de-watering systems and water management areas;
- (x) generators and switchgear;
- (xi) air receivers and compressors;
- (xii) oil store;
- (xiii) drive shaft, slip trench;
- (xiv) drilling rig, anchor blocks, slip trench;
- (xv) crane working areas;
- (xvi) reception pit / tie-in pit;
- (xvii) access to the drive shaft/ drilling rig and reception area/ beach and parking;
- (b) construction and installation of the pipeline under the cliffs by trenchless methods which may include the installation of a concrete sleeve drive shaft and tunnel; backfilling of permanent structures not less than 1.2 metres below ground surface; and temporary works including tunnel boring/pipeline drilling, reception pit, hydraulic rams, rollers and brackets and winch;
- (c) construction and installation of pipeline within the inter tidal zone which may include cofferdams and temporary works including crane working areas, raised causeway, channel dredging, shallow bottomed barge, winch, reception/tie-in pit and spoil storage.

FURTHER ASSOCIATED DEVELOPMENT

In connection with the above Work Nos. further associated development within the Order limits consisting of—

- (a) in relation to Work Nos. 1A, 4A, 6A, 9A, 11A and 14A site preparation works, site clearance (including fencing, vegetation removal and creation of new footpaths), earthworks (including soil stripping and storage) and site levelling;
- (b) in relation to Work Nos. 1A, 4A, 6A, 9A and 11A establishment of site construction compounds, storage areas, temporary vehicle parking, construction fencing (including perimeter enclosure and security fencing), construction related buildings, welfare facilities, construction lighting, haulage roads, fabrication areas, waste storage areas, spoil storage area, access, parking and water management areas;
- (c) installation of wires, cables, conductors, pipes and ducts;
- (d) in relation to Work Nos. 3A, 3B, 3C, 3D, 3E, 3F, 3G, 5A, 5B, 5C, 5D, 5E, 5F, 5G, 5H, 5I, 5J, 8A, 8B, 8C, 8D, 8E, 8F, 8G, 8H, 8I, 8J, 8K, 8L, 10A, 10B, 10C, 10D, 10E, 10F, 10G, 10H, 10I, 10J, 10K, 13A, 13B, 13C, 13D, 13E, 15A and 15B pipeline construction works including—
 - (i) surveying and setting-out;
 - (ii) breaking-through, site clearance (including vegetation removal) and establishment of temporary working area;
 - (iii) installation of demarcation fencing/stockproof fencing/heras fencing or similar;
 - (iv) pre-construction drainage;
 - (v) topsoil stripping;
 - (vi) levelling and benching;
 - (vii) archaeological surveys and watching brief;
 - (viii) pipe stringing, pipe bending, end preparation, front end welding, back end welding, fabrication welding, pipeline coating, pipeline trench excavation, disruption or fragmentation of rock (including by mechanical means), dewatering activities, trenchless

crossings, lower and lay, sand padding, backfilling, pipeline tie-ins, re-grading of soil, post construction drainage, cross-ripping and reinstatement of top-soil, internally swab and gauge pipeline test sections;

- (ix) filling, testing and dewatering test sections;
 - (x) reinstating test locations;
 - (xi) removing demarcation fencing;
 - (xii) reinstating boundary walls, hedges, and fencing;
 - (xiii) final gauge plate and calliper surveys;
 - (xiv) drying and commissioning pipelines;
 - (xv) demobilisation from site; and
 - (xvi) works to enable power supplies;
- (e) works to remove or alter the position of apparatus including mains, sewers, drains and cables which do not give rise to any materially new or materially different significant effects from those assessed in the environmental statement;
 - (f) in relation to Work Nos. 1A, 3A, 3B, 3C, 3D, 3E, 3F, 3G, 4A, 5A, 5B, 5C, 5D, 5E, 5F, 5G, 5H, 5I, 5J, 6A, 8A, 8B, 8C, 8D, 8E, 8F, 8G, 8H, 8I, 8J, 8K, 8L, 9A, 10A, 10B, 10C, 10D, 10E, 10F, 10G, 10H, 10I, 10J, 10K, 11A, 13A, 13B, 13C, 13D, 13E, 14A, 15A, 15B the location of aerial markers, cathodic protection test posts and field boundary markers;
 - (g) landscaping and other works to mitigate any adverse effects of the construction, maintenance or operation of the authorised development which do not give rise to any materially new or materially different significant effects from those assessed in the environmental statement;
 - (h) works for the benefit or protection of land affected by the authorised development which do not give rise to any materially new or materially different significant effects from those assessed in the environmental statement;
 - (i) works required for the strengthening, improvement, maintenance or reconstruction of any streets;
 - (j) the carrying out of street works pursuant to article 10 (*street works*), works to alter the layout of streets pursuant to article 11 (*power to alter layout, etc., of streets*) and the alteration or removal of road furniture;
 - (k) ramps, means of access, provision of footpaths, bridleways, cycleways and footpath linkages;
 - (l) works for the decommissioning (including removal and demolition), restoration and aftercare of the authorised development which fall within the scheme approved pursuant to paragraph 22 (*decommissioning*) of Schedule 3 (*requirements*);
 - (m) installation of drainage, drainage attenuation and land drainage including outfalls; and
 - (n) such other works, including working sites, storage areas and works of demolition, as may be necessary for the purposes of or in connection with the construction or operation of the authorised development and which do not give rise to any materially different effects from those assessed in the environmental statement.

SCHEDULE 2
PLANS

PART 1
WORKS PLANS

Article 2

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PART 2
LAND PLANS

Article 2

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PART 3

Article 2

ACCESS, RIGHTS OF WAY AND TEMPORARY STOPPING UP PLANS

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PART 4
APPROVED PLANS

Article 2

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Drax Pig Trap Planning Arrangement	10-2574-GA-01-0306	A
Drax Pig Trap Elevations (N & E)	10-2574-GA-01-0307	A
Drax Pig Trap Elevations (S & W)	10-2574-GA-01-0308	A
Drax Pig Trap Elevations (Operational Site)	10-2574-PLN-01-0303	A
Drax Pig Trap Planting Drawing	10-2574-PLN-01-0327	A
Camblesforth Multi-junction Location Plan	10-2574-PLN-01-0326	A
Camblesforth Multi-junction Planning Arrangement	10-2574-GA-01-0316	A
Camblesforth Multi-junction Elevations (N & E)	10-2574-GA-01-0317	A
Camblesforth Multi-junction Elevations (S & W)	10-2574-GA-01-0305	A
Camblesforth Multi-junction Elevations (Operational Site)	10-2574-PLN-01-0325	A
Camblesforth Multi-junction Planting Drawing	10-2574-PLN-01-0328	A
Tollingham Block Valve Location Plan	10-2574-PLN-01-0304	A
Tollingham Block Valve Planning Arrangement	10-2574-GA-01-0319	A
Tollingham Block Valve Elevations (N & E)	10-2574-GA-01-0320	A
Tollingham Block Valve Elevations (S & W)	10-2574-GA-01-0321	A
Tollingham Block Valve Elevations (Operational Site)	10-2574-PLN-01-0323	A
Tollingham Block Valve Planting Drawing	10-2574-PLN-01-0329	A
Dalton Block Valve Location Plan	10-2574-PLN-01-0308	A
Dalton Block Valve Planning Arrangement	10-2574-GA-01-0322	A
Dalton Block Valve Elevations (N & E)	10-2574-GA-01-0323	A
Dalton Block Valve Elevations (S & W)	10-2574-GA-01-0324	A
Dalton Block Valve Elevations (Operational Site)	10-2574-PLN-01-0324	A
Dalton Block Valve Planting Drawing	10-2574-PLN-01-0331	A
Skerne Block Valve Location Plan	10-2574-PLN-01-0310	A
Skerne Block Valve Planning Arrangement	10-2574-GA-01-0325	A
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Skerne Block Valve Planting Drawing	10-2574-PLN-01-0330	A
Drax Pig Trap Temporary Construction Vehicular Access (New Road)	10-2574-PLN-01-1044	A
Camblesforth Multi-junction Permanent Vehicular Access (A645)	10-2574-PLN-01-1045	A
Tollingham Block Valve Permanent Vehicular Access (Skiff Lane)	10-2574-PLN-01-1046	A
Dalton Block Valve Permanent Vehicular Access (Lund Wold Road)	10-2574-PLN-01-1047	A
Skerne Block Valve Permanent Vehicular Access (Main Street, Skerne)	10-2574-PLN-01-1048	A
Barmston Pumping Station Permanent Vehicular Access (Sands Road)	10-2574-PLN-01-1049	A
Barmston Pumping Station Permanent Vehicular Access (Sands Road)	10-2574-PLN-01-1050	A
Widening of Sands Road Between A165 Junction and Site Access	10-2574-PLN-01-1051	A
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Drax Pig Trap Permanent Vehicular Access (New Road) Swept Path Analysis	10-2574-PLN-01-1054	A
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Dalton Block Valve Permanent Vehicular Access (Lund Wold Road) Swept Path Analysis	10-2574-PLN-01-1057	A
Skerne Block Valve Permanent Vehicular Access (Main Street, Skerne) Swept Path Analysis	10-2574-PLN-01-1058	A
Barmston Pumping Station Permanent Vehicular Access (Sands Road) Swept Path Analysis	10-2574-PLN-01-1059	A
Tollingham Construction Compound Temporary Vehicular Access (Skiff Lane) Swept Path Analysis	10-2574-PLN-01-1060	A
Driffield Construction Compound Temporary Vehicular Access (A614) Swept Path Analysis	10-2574-PLN-01-1061	A
Typical Temporary Access From Highway Flumed Ditch Crossing	10-2574-STD-01-1014	A

<i>Drawing title</i>	<i>Drawing Number</i>	<i>Revision</i>
Typical Temporary Access From Highway No Flumed Ditch Crossing	10-2574-STD-01-1015	A

PART 5

Article 44

HEDGEROW PLANS

<i>Drawing title</i>	<i>Sheet Number</i>	<i>Drawing Number</i>
Hedgerow plans – Location Plan	Location Plan	10-2574-GND-01-05-0140 rev A
	Sheet 1 of 25	10-2574-GND-01-05-0141 rev A
	Sheet 2 of 25	10-2574-GND-01-05-0142 rev A
	Sheet 3 of 25	10-2574-GND-01-05-0143 rev A
	Sheet 4 of 25	10-2574-GND-01-05-0144 rev A
	Sheet 5 of 25	10-2574-GND-01-05-0145 rev A
	Sheet 6 of 25	10-2574-GND-01-05-0146 rev A
	Sheet 7 of 25	10-2574-GND-01-05-0147 rev A
	Sheet 8 of 25	10-2574-GND-01-05-0148 rev A
	Sheet 9 of 25	10-2574-GND-01-05-0149 rev A
	Sheet 10 of 25	10-2574-GND-01-05-0150 rev A
	Sheet 11 of 25	10-2574-GND-01-05-0151 rev A
	Sheet 12 of 25	10-2574-GND-01-05-0152 rev A
	Sheet 13 of 25	10-2574-GND-01-05-0153 rev A
Hedgerow plans	Sheet 14 of 25	10-2574-GND-01-05-0154 rev A
	Sheet 15 of 25	10-2574-GND-01-05-0155 rev A
	Sheet 16 of 25	10-2574-GND-01-05-0156 rev A
	Sheet 17 of 25	10-2574-GND-01-05-0157 rev B
	Sheet 18 of 25	10-2574-GND-01-05-0158 rev B
	Sheet 19 of 25	10-2574-GND-01-05-0161 rev A
	Sheet 20 of 25	10-2574-GND-01-05-0159 rev A
	Sheet 21 of 25	10-2574-GND-01-05-0160 rev A
	Sheet 22 of 25	10-2574-GND-01-05-0162 rev A
	Sheet 23 of 25	10-2574-GND-01-05-0163 rev A
	Sheet 24 of 25	10-2574-GND-01-05-0164 rev B
	Sheet 25 of 25	10-2574-GND-01-05-0165 rev B

SCHEDULE 3

REQUIREMENTS

Article 52

Interpretation

1.—(1) In this Schedule—

“the 2010 Regulations” means the Conservation of Habitats and Species Regulations 2010(a);

“AGIs” means Above Ground Installations, namely those parts of the authorised development that are the Drax PIG trap, Camblesforth Multi-junction, Tollingham, Skerne and Dalton Block Valves and Barmston Pumping Station;

“Area B” means the area identified as “Area B” on drawing no.10-2574-GA-01-0316 rev A (*Camblesforth MJ Planning Arrangement*) listed in Part 4 of Schedule 2 (*plans*) as the southern area of the Camblesforth Multi-junction site to accommodate apparatus including up to 3 PIG traps;

“Barmston Pumping Station” means that part of the authorised development described in Work No. 14A of Schedule 1 (*authorised development*);

“Camblesforth Multi-junction” means that part of the authorised development described in Work No. 4A of Schedule 1 (*authorised development*);

“code of construction practice” means the document(s) given application document reference 7.5 and certified as the code of construction practice by the Secretary of State for the purposes of this Order;

“commence (type 1)” means beginning to carry out any material operation (as defined in section 155 of the 2008 Act) other than operations consisting of site clearance, demolition work, archaeological investigations and removal works, investigations for the purpose of assessing ground and geological conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services for temporary offices, delivery and storage of equipment and materials to construction compounds, temporary site accommodation, de-vegetation, necessary pre-commencement environmental mitigation, erection of any temporary means of enclosure, the temporary display of site notices or advertisement; and “commencement (type 1)” and “commenced (type 1)” are to be construed accordingly;

“commence (type 2)” means beginning to carry out any material operation (as defined in section 155 of the 2008 Act); and “commencement (type 2)” and “commenced (type 2)” are to be construed accordingly;

“commence (type 3)” means beginning to carry out any material operation (as defined in section 155 of the 2008 Act) other than operations consisting of archaeological investigations and removal works, investigations for the purpose of assessing ground and geological conditions, remedial work in respect of any contamination or other adverse ground conditions, de-vegetation, necessary pre-commencement environmental mitigation, the temporary display of site notices or advertisements; and “commencement (type 3)” and “commenced (type 3)” are to be construed accordingly;

“construction compounds” means the temporary compounds needed to store equipment, materials and site accommodation during the construction of the authorised development;

“construction work” means works to construct the authorised development, or relevant part of it, excluding mobilisation of plant and equipment into, out of or within the Order limits;

“the Environment Agency” means the body established under the Environment Act 1995(c) or any successor to its statutory functions;

“European protected species” has the same meaning as in regulation 40 of the 2010 Regulations;

“European site” has the same meaning as it has in regulation 8(1) of the 2010 Regulations;

(a) S.I. 2010/490.

“Requirement” means the appropriate numbered paragraph or paragraphs in this Schedule to which reference is made, for example “Requirement 6” or “these Requirements”;

“reinstatement” means the restoration of land within the Order limits for future use after construction of the authorised development;

“relevant highway authority” means North Yorkshire County Council or East Riding of Yorkshire Council as the case may be including their successor and where the relevant matter is located in the administrative areas of both then it means both;

“relevant planning authority” means Selby District Council or East Riding of Yorkshire Council as the case may be including their successor and where the relevant matter is located in the administrative areas of both then it means both; and

“stage” means part of the authorised development as described in Requirement 4.

(2) Where in this Schedule details or plans are to be approved by or provided for consultation purposes to a relevant planning authority which is Selby District Council, then insofar as the details or plans are relevant to highways, ecological or archaeological matters the relevant planning authority must consult with North Yorkshire County Council as the relevant highway authority and/or the County Ecologist and/or the County Archaeologist of North Yorkshire County Council as the case may be.

Time limits

2. The authorised development must be commenced (type 2) within five years of the date of this Order.

Approved details

3.—(1) [The authorised development referred to in Schedule 1 must take place in accordance with the approved details; and in this Requirement the “approved details” means the drawings listed in Part 4 of Schedule 2 (*approved plans*).] **[Further wording to follow at Deadline 4]**

Stages of the authorised development

4. The stages of the authorised development for the purposes of these Requirements are (in no order of construction phasing)—

- (a) the “Drax to Camblesforth stage”, namely Work Nos. 3A to 3G;
- (b) the “Camblesforth to Tollingham stage”, namely Work Nos. 5A to 5J;
- (c) the “Tollingham to grid references 490485.84 E 441486.96 N (the A0179) stage”, namely Work Nos. 8A to 8F;
- (d) the “grid references 490485.84 E 441486.96 N (the A0179) to Dalton stage”, namely Work Nos. 8G to 8L;
- (e) the “Dalton to Skerne stage”, namely Work Nos. 10A to 10K;
- (f) the “Skerne to Barmston stage”, namely Work Nos. 13A to 13E;
- (g) the “Barmston stage”, namely Work Nos. 14A to 14D;
- (h) the “Drax PIG Trap stage”, namely Work Nos. 1A to 2A;
- (i) the “Camblesforth Multi-junction stage”, namely Work Nos. 4A to 4D;
- (j) the “Tollingham Block Valve stage” namely Work Nos. 6A to 6 D;
- (k) the “Dalton Block Valve stage” namely Work Nos. 9A to 9D;
- (l) the “Skerne Block Valve stage” namely Work Nos. 11A to 11D;
- (m) the “Tollingham Construction Compound stage” namely Work No. 7;
- (n) the “Driffield Construction Compound stage” namely Work No. 12;
- (o) the “Landfall stage” namely Work Nos. 15A to 15B,

and in each case such further associated development in connection with those Work Nos. as is listed at paragraphs (a) to (n) (*further associated development*) of Schedule 1 (*authorised development*) inclusive insofar as it is relevant to that stage.

Barmston Pumping Station

5.—(1) Construction of the Barmston Pumping Station (Work Nos.14A and 14B) must not commence (type 2) until details of the layout, scale, external appearance, surface treatments, method of drainage and landscaping of the Barmston Pumping Station have been submitted to and approved by the relevant planning authority in consultation with the Environment Agency.

(2) The details referred to in Requirement (5)(1) must be in accordance with the Barmston Pumping Station parameter plan and the principles of chapter 8 of the design and access statement; and in this Requirement—

(a) the “design and access statement” means the document(s) given application document reference 7.3 and certified as the design and access statement by the Secretary of State for the purposes of this Order; and

(b) the “Barmston Pumping Station parameter plan” means the drawing given drawing number 10-2574-PLN-01-0346 Rev B and application document reference 2.14 and certified as the Barmston Pumping Station parameter plan by the Secretary of State for the purposes of this Order.

(3) The method of drainage must be designed in accordance with the principles set out in the document entitled “The SuDS Manual” issued in 2007 by CIRIA (the Construction Industry Research and Information Association).

(4) The construction of the Barmston Pumping Station must be carried out in accordance with the approved details.

(5) External lighting to be affixed at the Barmston Pumping Station must be bulkhead lighting and/or low level lighting only and such lighting may only operate when the Barmston Pumping Station is manned.

Camblesforth Multi-junction design

6.—(1) In Area B of the Camblesforth Multi-junction (Work No. 4A)—

(a) no works may commence (type 1) until details of the layout, scale and external appearance, surface treatments and method of drainage of those works have been submitted to and approved by the relevant planning authority in consultation with the Environment Agency; and

(b) no structure comprised in the authorised development may exceed a height of 4 metres above ground surface.

(2) The details referred to in Requirement 6(1) must be in accordance with the Camblesforth Multi-junction parameter plan; and in this Requirement the “Camblesforth Multi-junction parameter plan” means the drawing given drawing number 10-2574-GA-01-0316 and document reference 2.25 and certified as the Camblesforth Multi-junction parameter plan by the Secretary of State for the purposes of this Order.

(3) The method of drainage must be designed in accordance with the principles set out in the document entitled “The SuDS Manual” issued in 2007 by CIRIA (the Construction Industry Research and Information Association).

(4) The construction of Area B of the Camblesforth Multi-junction must be carried out in accordance with the approved details.

(5) External lighting to be affixed at the Camblesforth Multi-junction must be bulkhead lighting and/or low level lighting only and such lighting may only operate when the Camblesforth Multi-junction is manned.

European protected species

7.—(1) No stage of the authorised development may commence (type 2) until, for that stage, further survey work has been carried out to establish whether a European protected species is present—

(a) on any land which may be affected by that stage of the authorised development;

(b) in any of the trees to be lopped or felled, in hedgerows removed or in buildings to be demolished during that stage of the authorised development,

(c) and the results of the survey must be provided to Natural England.

(2) Where a European protected species is shown to be present by the further survey work referred to in Requirement 7(1), the stage of the authorised development to which that survey work relates must not commence (type 2) until a scheme of protection and mitigation measures has been submitted to and approved by the relevant planning authority, following consultation with Natural England; and that stage of the authorised development must be carried out in accordance with the approved scheme.

Scheme of ecological mitigation and reinstatement

8.—(1) No stage of the authorised development may commence (type 3) until a scheme of ecological mitigation for that stage (which in respect of a pipeline stage must also set out proposals for the reinstatement of that pipeline stage) has been submitted—

- (a) no less than 14 days prior to an application for approval under Requirement 8(1)(b) in draft form for consultation with the relevant planning authority and, so far as the scheme relates to the licensed location, with the MMO (and “licensed location” and “MMO” have the meanings given in paragraph 1 of Part 1 (*interpretation and details of licensed marine activities*) of Schedule 10 (*deemed marine licence under Part 4 (marine licensing) of the Marine and Coastal Access Act 2009*); and
- (b) in final form for approval by the relevant planning authority and has been approved.

(2) The scheme must contain, insofar as it is relevant for that stage—

- (a) the survey results and ecological mitigation measures for species and habitats that are not subject to the need for a licence pursuant to the 2010 Regulations (and which are included in the environmental statement); and
- (b) a strategy for the reinstatement, re-planting and restoration of hedgerows and trees (so far as relevant) that are removed in the course of the carrying out of that stage of the authorised development.

(3) The scheme must include an implementation timetable applicable to that stage of the authorised development.

(4) Any stage of the authorised development must be carried out in accordance with the approved scheme for that stage.

(5) Any tree, shrub or hedge planted as part of a scheme of ecological mitigation and reinstatement which dies or becomes within a period of 5 years after completion of the authorised development, in the opinion of the relevant planning authority, seriously damaged or diseased, must be replaced in the first available planting season (provided that it is within the 5 year period referred to in this Requirement 8(5)) with a specimen of the same species and size as that originally planted, unless otherwise approved by the relevant planning authority.

(6) In this Requirement, “pipeline stage” means the stages listed in Requirements 4(a) to (f) (inclusive) 4 (*stages of the authorised development*).

Water

9.—(1) No stage of the authorised development may commence (type 1) until, for that stage, both a construction water management plan and pollution prevention and control plan have been submitted to and approved by the relevant planning authority, in consultation with the Environment Agency.

(2) The construction water management plan must include the following—

- (a) details of measures to ensure discharge from dewatering is non-polluting and will not exacerbate flood risk;
- (b) details of areas at risk of water pollution from surface water run-off, and any special control measures required in those areas;
- (c) details of measures to minimise suspension of and pollution due to sediment;
- (d) a commitment that works in the channel will be carried out in a bunded, dry working space with any water entering the space being pumped out for treatment prior to discharge back to the watercourse;
- (e) a commitment that no discharges or abstractions will take place to or from ponds;

- (f) where it is considered necessary to store material in the flood plain, the requirements for mitigation will be agreed with the Environment Agency before construction commences (type 1);
 - (g) details of hydrostatic testing requirements, including water sources and discharge points, and water quality monitoring of test water discharged;
 - (h) a commitment that water will be returned to the catchment it was abstracted from or if a groundwater source is used that groundwater is discharged to a surface water location identified in consultation with the Environment Agency; and
 - (i) all necessary licenses and consents will be obtained.
- (3) The pollution prevention and control plan must include the following—
- (a) details of a pollution incident response plan;
 - (b) details of storage and management of fuel and any other potentially polluting chemicals;
 - (c) details of pollution control measures;
 - (d) details regarding the control of mud at site accesses using road sweepers;
 - (e) details of the design and management of vehicle wash areas within the main construction compounds.
- (4) The construction works for each stage of the authorised development must be carried out in accordance with the approved construction water management plan and pollution prevention and control plan.
- (5) The method of crossing main rivers and ordinary watercourses (including land drains) must be undertaken in a manner which will not cause an increase in flood risk to any area upstream, downstream or surrounding the crossing.
- (6) Surface water runoff from temporary works/construction compounds must be in accordance with flood risk assessment drainage measures to control surface water runoff in the construction phase of the authorised development; and in this Requirement the “flood risk assessment” means the document certified by the Secretary of State for the purposes of this Order as the flood risk assessment dated June 2014 (given application document reference 5.2);
- (7) All excess spoil must be removed from the areas of Flood Zones 2 and 3 at the earliest opportunity.
- (8) Any temporary stock-piling of spoil during the construction phase shall be sited outside Flood Zones 2 and 3 wherever possible.
- (9) Where Flood Zones 2 and 3 cannot be avoided, regular gaps shall be incorporated in any spoil heaps.
- (10) There must be no permanent raising of ground levels within the floodplain by the undertaker.

Removal of trees and hedgerows

10.—(1) No stage of the authorised development may commence (type 2) until, for that stage, details identifying the trees, groups of trees and hedgerows to be removed during that stage have been submitted to and approved by the relevant planning authority.

(2) Each stage of the authorised development must be carried out in accordance with the approved details (if any) for that stage.

AGI hard landscaping, lighting and drainage

11.—(1) No stage of the authorised development may commence (type 1) until, for that stage, details of hard surfacing materials (if any), external lighting (if any) and drainage methods for all AGIs (with the exception of Area B of the Camblesforth Multi-junction and the Barmston Pumping Station), have been submitted to and approved by the relevant planning authority in consultation with the Environment Agency.

(2) The method of drainage must be designed in accordance with the principles set out in the document entitled “The SuDS Manual” issued in 2007 by CIRIA (the Construction Industry Research and Information Association).

(3) The authorised development must be carried out in accordance with the approved details.

(4) External lighting to be affixed at any AGI must be bulkhead lighting and/or low level lighting only and such lighting may only operate when that AGI is manned.

Archaeology

12.—(1) No stage of the authorised development may commence (type 1) until a written scheme of archaeological investigation for that stage has been submitted to and approved by the relevant planning authority.

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

(3) Any archaeological works or watching brief for a stage of the authorised development must be carried out in accordance with the approved written scheme for that stage.

Construction hours

13.—(1) Subject to Requirements 13(3) and 13(4), except in the event of an emergency or unless otherwise agreed in writing by the relevant planning authority, construction work must only take place between the hours of 07:00 and 19:00 from Monday to Saturday and between 07:00 and 17:00 on Sundays and Bank Holidays except that during the winter months (October to February) construction work at the Barmston Pumping Station—

- (a) must only take place between the hours of 08:00 and 18:00 from Monday to Saturday; and
- (b) may not take place on Sundays or Bank Holidays.

(2) In the event of an emergency, notification of that emergency must be given to the relevant planning authority as soon as practicable.

(3) The following operations may take place outside the working hours referred to in Requirement 13(1)—

- (a) microtunnelling;
- (b) horizontal directional drilling;
- (c) filling, testing, dewatering and drying locations
- (d) works within the landfall, namely Work Nos. 15A and 15B;
- (e) dewatering activities;
- (f) temporary possession of railway infrastructure;
- (g) commissioning.

(4) Nothing in Requirement 13(1) above precludes—

- (a) a reasonable start-up period and a reasonable shut-down period on Mondays to Saturdays (inclusive); and
- (b) maintenance at any time of plant and machinery engaged in the construction of the authorised development.

(5) In this Requirement “emergency” means a situation where, if the relevant action is not taken, there will be adverse health, safety, security or environmental consequences that in the reasonable opinion of the undertaker would outweigh the adverse effects to the public (whether individuals, classes or generally as the case may be) of taking that action.

Code of construction practice

14. Construction work must be carried out in accordance with the code of construction practice, unless otherwise approved in writing by the relevant planning authority.

Noise

15.—(1) Subject to Requirement 15(2), the construction of the authorised development must take place in accordance with, and not exceed, the following construction noise levels at the stated times—

<i>Effect assessment period</i>		<i>Construction noise threshold (at the nearest façade)</i>
Day of week	Time of day	SPL, dB LAeq,T
Monday – Fridays	07.00 – 19.00	65
Saturday	07.00 – 19.00	65
Monday – Saturdays	19.00 – 23.00	55
Sundays and Bank Holidays	07.00 – 19.00	65 in respect of pipeline construction works; 55 in respect of AGI construction works
	19:00 – 23:00	55
Each day	23.00 – 07.00	45

(2) The noise level restrictions set out in Requirement 15(1) do not apply where—

- (a) the undertaker notifies the relevant planning authority that to facilitate the effective and expeditious carrying out of a particular construction activity comprised within the authorised development a particular noise level restriction will or may be exceeded for a particular temporary duration; and
- (b) the undertaker sets out to the satisfaction of the relevant planning authority a different noise level restriction for that activity and that temporary duration,

in which case the undertaker must instead comply with that different noise level restriction for that activity and that temporary duration.

(3) The operation of Barmston Pumping Station (Work Nos. 14A and 14B) must not commence until a noise report is submitted to and approved by the relevant planning authority for the Pumping Station; and the noise report must include any available information about the frequency of noise likely to be emitted from the equipment to be installed on site.

(4) The noise report must be based on the methodology as defined in British Standard 4142:1997 and demonstrate that the rating noise level for permanent fixed plant / machinery at the nearest existing residential receptor (namely Rose Cottage) does not exceed the existing background noise level for when the plant / machinery will operate (recorded as 24.4 $L_{A90,T}$ dB in July 2013).

(5) The authorised development must be carried out in accordance with any—

- (a) noise limits; and
- (b) specifications for—
 - (i) site design and material;
 - (ii) plant and machinery specifications;
 - (iii) operation and maintenance,
- (c) specified in the approved noise report, unless otherwise approved by the relevant planning authority.

Land drainage

16. Subject to Requirement 11 (*AGI hard landscaping and drainage*), the authorised development must take place in accordance with the drainage strategy, unless otherwise agreed in writing by the relevant planning authority; and in this Requirement “drainage strategy” means the document certified by the Secretary of State for the purposes of this Order as the drainage report dated June 2014 (given application document reference 7.7) but does not mean the plans given application document reference 7.7.1.

Contaminated land and groundwater

17.—(1) In the event that contamination is found at any time when carrying out the authorised development that has not been previously identified it must be reported in writing immediately to

the relevant planning authority.

(2) A scheme setting out the process for carrying out, and the content of, an investigation and risk assessment will be submitted to the relevant planning authority for approval prior to commencement of the authorised development.

(3) An investigation and risk assessment must be completed in accordance with the scheme approved under Requirement 17(2) to assess the nature and extent of any contamination on the part of the Order limits within which works are being carried out, whether or not that contamination originates on that part of the Order limits; and that investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced and provided to the relevant planning authority within 28 days of the date the instance of contamination is reported to the relevant planning authority under Requirement 17(1).

(4) Where remediation is required a detailed remediation scheme to bring a part of the Order limits within which works are being carried out to a condition suitable for the intended use must be prepared and submitted for the written approval of the relevant planning authority within 35 days of the date the instance of contamination is reported to the relevant planning authority under Requirement 17(1); and—

- (a) the approved remediation scheme must be carried out in accordance with its terms unless otherwise approved in writing by the relevant planning authority; and
- (b) following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and approved in writing by the relevant planning authority.

Construction traffic plan

18. No stage of the authorised development may commence (type 3) until a traffic management plan for that stage has been submitted to and, following consultation with the highway authority, been approved by the relevant planning authority; and each stage of the authorised development must be carried out in accordance with the traffic management plan for that stage.

Restoration of land used temporarily for construction

19. Subject to article 28(4) (*temporary use of land for carrying out the authorised development*), any land within the Order limits which is used temporarily for construction as part of a stage of the authorised development must be reinstated to a condition fit for its former use, or such other condition as the relevant planning authority may approve, within 12 months of completion of that stage; but nothing in this Requirement prevents the undertaker from exercising powers under article 28 (*temporary use of land for carrying out the authorised development*) in respect of that land following such reinstatement, in which case this Requirement applies again following that subsequent exercise of those powers.

Requirement for written approval

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

Amendments to approved details

21.—(1) With respect to any Requirement which requires the authorised development to be carried out in accordance or general accordance with details approved by the relevant planning authority, the approved details include any amendments that may subsequently be approved in writing by the relevant planning authority to the extent that such amendments do not give rise to any materially new or materially different significant environmental effects from those assessed in the environmental statement.

(2) Where a Requirement allows for changes to the restrictions imposed or to a plan or scheme (or similar) approved so long as those changes are approved or agreed in writing by the relevant planning authority, that approval or agreement may not be given unless it has been demonstrated to the satisfaction of 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 significant environmental effects from those assessed in the environmental statement.

Decommissioning

22.—(1) At least six months prior to the permanent cessation of operation of the authorised development, a scheme of decommissioning, restoration and aftercare of the authorised development must be submitted for approval by the relevant planning authority.

(2) The scheme must include proposals for—

- (a) future uses of the above ground installations following permanent cessation of such installations or (if none) the means of decommissioning such installations;
- (b) future uses of the pipelines comprised in the authorised development or (if none) the means of decommissioning of such pipelines;
- (c) what above-ground structures, buildings and other parts of the authorised development are to be demolished or retained and the means of any demolition;
- (d) the phasing of any decommissioning, demolition and/or removal proposed in Requirements 22(2)(a) to (c);
- (e) the means of removal of decommissioning materials and demolition waste arising from the activities listed in Requirements 22(2)(a) to (c);
- (f) works for the restoration of land within the Order limits on which the authorised development is located and the phasing of such restoration works;
- (g) aftercare of the authorised development, having regard to any future uses of elements of the authorised development, including the long term retention and maintenance of cathodic protection;
- (h) a risk management plan setting out measures to be taken in appropriate circumstances to minimise risk in respect of the authorised development following permanent cessation of operation of the authorised development; and
- (i) a timetable for implementation of the scheme.

(3) The scheme must be implemented as approved following the permanent cessation of the operation of the authorised development.

(4) In this Requirement—

- (a) “aftercare” means monitoring, maintenance and management of land within the Order limits following its reinstatement and restoration;
- (b) “decommissioning” means the decommissioning of the authorised development on the later of (a) the date on which it is no longer required for operational use or (b) the permanent cessation of operation of the authorised development, as the case may be;
- (c) “operational use” or “operation of the authorised development” means use of the authorised development for the purposes for which it is authorised; and
- (d) “permanent cessation” means the cessation of operation of the authorised development, or relevant part of it, where there is a demonstrable intention to cease permanently those operations.

Driffield Construction Compound

23. In the Driffield Construction Compound comprised in Work No. 12 no buildings may be demolished in the area shown coloured blue, cross-hatched orange and labelled “no buildings to be demolished as part of the Onshore Scheme” on the drawing entitled “Environmental Commitments Map 8 of 10” provided in the code of construction practice.

Venting for AGI Maintenance

24. For planned maintenance of each of the AGIs, the internal inventory of carbon dioxide may only be vented twice a year—

- (a) at a rate whereby noise emissions at each site do not exceed a maximum of 70dB LAeq, 1hr at the nearest existing noise sensitive receptor;
- (b) where the duration of a vent activity does not exceed one hour; and
- (c) between the hours of 07:00 and 19:00 Monday to Friday.

AGI Venting for Pipeline Inspections

25.—(1) The initial frequency of planned internal inspection of pipelines using PIGs will be set at once every five years. Over time the frequency will be adjusted following examination of previous inspection data. That is, the inspection intervals could be extended or reduced to meet the needs of maintaining a safe operating pipeline.

(2) Venting of the internal inventory of carbon dioxide at PIG traps at AGIs, for the purposes of internal inspection of pipelines, may only occur—

- (a) at a rate whereby noise emissions at each site do not exceed a maximum of 70dB LAeq, 1hr at the nearest existing noise sensitive receptor;
- (b) over a venting duration of no more than one hour per day for each site, which may be repeated on multiple days over a period which does not exceed 14 days at each AGI;
- (c) bBetween the hours of 07:00 and 19:00 Monday to Friday.

SCHEDULE 4

Article 10

STREETS SUBJECT TO STREET WORKS

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street subject to street works</i>
North Yorkshire County Council, Selby District Council	For the purposes of Work No. 3A, unnamed private farm track to Foreman’s Cottage (for information indicated as TX 0/1 on access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0061; sheet 1 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0031(sheet 1 of 25)
North Yorkshire County Council, Selby District Council	For the purposes of Work No. 3A, Long Drax Footpath 35.47/6/1 in the event that it is diverted under the public path diversion order entitled “Footpath Nos. 35.47/1, 35.47/6 & 35.47/10, Long Drax and 35.6/12, Barlow, Drax Power Station, Long Drax Diversion Order 2014”, under any other public path diversion order pertaining to Public Footpath No. 35.47/6/1 or otherwise (which shall include such other footpath number or numbers (if different) or such other route or routes as may be specified in the instrument by which the diversion is given effect) where crossed by the authorised development within the Order limits (and for information (where the proposed diversion routes are known but remain to be determined) indicated on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0061 sheet 1 of 25). Works plans drawing number 10-2574-GND-01-05-0031 (sheet 1 of 25)
North Yorkshire County Council, Selby District Council	For the purposes of Work No. 3A, unnamed private farm track north of Augustinian Priory (for information indicated as TX 0/2 on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0061 sheet 1 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0031 (sheet 1 of 25)
North Yorkshire County Council, Selby District Council	For the purposes of Work No. 3A, unnamed private farm track east of Lendall Drain (for information indicated as TX 0/3 on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0061 sheet 1 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0031(sheet 1 of 25)
North Yorkshire County Council, Selby District Council	For the purposes of Work No. 3A, unnamed private tarmac track to Drax pump house and River Ouse (for information indicated as TX 0/4 on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0061 sheet 1 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0031(sheet 1 of 25)
North Yorkshire County Council, Selby District Council	For the purposes of Work No. 3B, Pear Tree Avenue, Long Drax (for information tarmac road indicated as RDX 1/A and B on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0061 sheet 1 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0031(sheet 1 of 25)

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street subject to street works</i>
North Yorkshire County Council, Selby District Council	For the purposes of Work No. 3B, Long Drax Footpath No. 35.47/1/1 in the event that it is diverted under the public path diversion order entitled “Footpath Nos. 35.47/1, 35.47/6 & 35.47/10, Long Drax and 35.6/12, Barlow, Drax Power Station, Long Drax Diversion Order 2014”, under any other public path diversion order pertaining to Public Footpath No. 35.47/1/1 or otherwise (which shall include such other footpath number or numbers (if different) or such other route or routes for such footpath as may be specified in the instrument by which the diversion is given effect) where crossed by the authorised development within the Order limits (and for information (where the proposed diversion routes are known but remain to be determined) indicated on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0061 sheet 1 of 25). Works plans drawing number 10-2574-GND-01-05-0031(sheet 1 of 25)
North Yorkshire County Council, Selby District Council	For the purposes of Work No. 3B, Long Drax Footpath No. 35.47/8/1 (or such other footpath number or numbers for such footpath as may be specified in the public path diversion order entitled “Footpath Nos. 35.47/1, 35.47/6 & 35.47/10, Long Drax and 35.6/12, Barlow, Drax Power Station, Long Drax Diversion Order 2014”, under any other public path diversion order pertaining to public footpath no. 35.47/8/1 or otherwise) (for information indicated on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0061 sheet 1 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0031(sheet 1 of 25)
North Yorkshire County Council, Selby District Council	For the purposes of Work No. 3B, Unnamed private track north east of New Close Plantation (for information indicated as TX 1/1 on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0061 sheet 1 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0031(sheet 1 of 25)
North Yorkshire County Council, Selby District Council	For the purposes of Work No. 3C, Carr Lane, Long Drax (for information tarmac road indicated as RDX 2/A and B on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0061 sheet 1 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0031(sheet 1 of 25)
North Yorkshire County Council, Selby District Council	For the purposes of Work No. 3C, Long Drax Footpath No. 35.47/4/1 (for information indicated on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0061 sheet 1 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0031(sheet 1 of 25)
North Yorkshire County Council, Selby District Council	For the purposes of Work No. 3D, Main Road, Long Drax (for information tarmac road indicated as RDX 3/A and B on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0061 sheet 1 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0031(sheet 1 of 25)
North Yorkshire County Council, Selby District Council	For the purposes of Work No. 3D, Drax Footpath No. 35.47/5/1 (for information indicated on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0061 sheet 1 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0031(sheet 1 of 25)
North Yorkshire County Council, Selby District Council	For the purposes of Work No. 3D, Drax Footpath 35.26/7/1 (for information indicated on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0062 sheet 2 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0032 (sheet 2 of 25)

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street subject to street works</i>
North Yorkshire County Council, Selby District Council	For the purposes of Work No. 3E, Church Dike Lane, Drax (for information tarmac road indicated as RDX 4/A and B on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0062 sheet 2 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0032 (sheet 2 of 25)
North Yorkshire County Council, Selby District Council	For the purposes of Work No. 3E, Hales Lane unmade private track (for information indicated as TX 4/1 on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0062 sheet 2 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0032 (sheet 2 of 25)
North Yorkshire County Council, Selby District Council	For the purposes of Work No. 3F, Brickhill Lane, Drax (for information tarmac road indicated as RDX 5/A and B on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0062 sheet 2 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0032 (sheet 2 of 25)
North Yorkshire County Council, Selby District Council	For the purposes of Work No. 3G and 5B, A645, Drax (for information tarmac road indicated as RDX 6 + 7/A and B on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0062 sheet 2 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0032 (sheet 2 of 25)
North Yorkshire County Council, Selby District Council	For the purposes of Work No. 3G and 5A, unnamed private concrete/ tarmac track to fishing lake (for information indicated as TX 6/1 and TX 6/4 on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0062 sheet 2 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0032 (sheet 2 of 25)
North Yorkshire County Council, Selby District Council	For the purposes of Work No. 3G and 5A, unnamed private unmade farm track (continuation of Wade House Lane) (for information indicated as TX 6/2 and TX 6/3 on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0062 sheet 2 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0032 (sheet 2 of 25)
North Yorkshire County Council, Selby District Council	For the purposes of Work No. 5B, Brickhill Lane, tarmac track (for information indicated as TX 7/1 on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0062 sheet 2 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0032 (sheet 2 of 25)
North Yorkshire County Council, Selby District Council	For the purposes of Work No. 5B, (Brickhill Lane track) Drax Footpath No. 35.26/9/1 (for information indicated on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0062 sheet 2 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0032 (sheet 2 of 25)
North Yorkshire County Council, Selby District Council	For the purposes of Work No. 5B, Hales Lane unmade private track (for information indicated as TX 7/2 on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0062 sheet 2 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0032 (sheet 2 of 25)
North Yorkshire County Council, Selby District Council	For the purposes of Work No. 5C, Church Dike Lane, Drax (for information tarmac road indicated as RDX 8/A and B on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0062 sheet 2 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0032 (sheet 2 of 25)

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street subject to street works</i>
North Yorkshire County Council, Selby District Council	For the purposes of Work No. 5C, unmade path Scurff Cottages, Drax Footpath No. 35.26/13/1 / Newland Footpath No. 35.49/1/2 (for information indicated on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0062 sheet 2 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0033 (sheet 3 of 25)
North Yorkshire County Council, Selby District Council	For the purposes of Work No. 5C, unmade path Scurff Cottages, Newland Footpath No.35.49/2/2 (for information indicated on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0062 sheet 2 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0033 (sheet 3 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 5C, Barmby-on-the-Marsh Footpath No 3, north of River Ouse (for information indicated on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0063 sheet 3 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0033 (sheet 3 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 5C, Bankfield Lane private stone surfaced track (for information indicated as TX 8/1 on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0063 sheet 3 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0033 (sheet 3 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 5C, Gateland Field Lane unmade private farm track (for information indicated as TX 8/2 on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0063 sheet 3 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0033 (sheet 3 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 5C, unnamed private unmade track prior to Fields Drain (for information indicated as TX 8/3 on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0063 sheet 3 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0033 (sheet 3 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 5C, unnamed private unmade track from Fair Field Farm (for information indicated as TX 8/4 on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0063 sheet 3 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0033 (sheet 3 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 5C, unnamed private unmade track to RDX9, Barmby Road (for information indicated as TX 8/5 on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0063 sheet 3 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0033 (sheet 3 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 5D, Barmby Road, Asselby (for information tarmac road indicated as RDX 9/A and B on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0063 sheet 3 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0033 (sheet 3 of 25)

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street subject to street works</i>
East Riding of Yorkshire Council	For the purposes of Work No. 5D, unnamed private unmade farm track north east of Mount Pleasant bungalow (for information indicated as TX 9/1 on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0064 sheet 4 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0034 (sheet 4 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 5D, Marsh Lane private track (for information indicated as TX 9/2 on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0064 sheet 4 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0034 (sheet 4 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 5D, Asselby Footpath No.2 Side of Marsh Lane track (for information indicated on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0064 sheet 4 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0034 (sheet 4 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 5D, Asselby Footpath No.1 to Old Derwent Drain (for information indicated on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0064 sheet 4 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0034 (sheet 4 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 5D, unnamed private unmade track at the side of New Drain (for information indicated as TX 9/3 on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0064 sheet 4 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0034 (sheet 4 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 5E, A63 Hull Road, Newsholme (for information tarmac road indicated as RDX 10/A and B on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0064 sheet 4 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0034 (sheet 4 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 5E, Wressle Footpath No.10 to Park Farm (for information indicated on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0064 sheet 4 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0034 (sheet 4 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 5E, Wressle Footpath No 6 (for information indicated on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0065 sheet 5 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0035 (sheet 5 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 5E, Wressle Footpath No 8 (for information indicated on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0065 sheet 5 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0035 (sheet 5 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 5E, Wressle Footpath No 7 (for information indicated on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0065 sheet 5 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0035 (sheet 5 of 25)

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street subject to street works</i>
East Riding of Yorkshire Council	For the purposes of Work No. 5F, Brind Lane, Brind (for information tarmac road indicated as RDX 11/A and B on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0065 sheet 5 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0035 (sheet 5 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 5G, B1228 Wood Lane, Brind (for information tarmac road indicated as RDX 12/A and B on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0065 sheet 5 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0035 (sheet 5 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 5G, Eastington Bridleway No. 17 (western end of Featherbed Lane) (for information indicated on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0066 sheet 6 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0036 (sheet 6 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 5G, Featherbed Lane unmade private track (western end of Featherbed Lane) (for information indicated as TX 12/1 on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0066 sheet 6 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0036 (sheet 6 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 5G, Featherbed Lane unmade private track (eastern end of Featherbed Lane) (for information indicated as TX 12/2 on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0066 sheet 6 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0036 (sheet 6 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 5G, Eastington Bridleway No. 17 (eastern end of Featherbed Lane) (for information indicated on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0066 sheet 6 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0036 (sheet 6 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 5H, A614 Holme Road, Spaldington (for information tarmac road indicated as RDX 13/A and B on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0067 sheet 7 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0037 (sheet 7 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 5H, unnamed private unmade farm track to Chestnut farm (for information indicated as TX 13/1 on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0067 sheet 7 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0037 (sheet 7 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 5H, unnamed private unmade track to Taynton Lodge (for information indicated as TX 13/2 on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0067 sheet 7 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0037 (sheet 7 of 25)

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street subject to street works</i>
East Riding of Yorkshire Council	For the purposes of Work No. 5H, Spaldington Footpath No.12 - Combined with TX 13/2 (for information indicated on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0067 sheet 7 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0037 (sheet 7 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 5H, unnamed private unmade track to Sikes Farm (for information indicated as TX 13/3 on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0067 sheet 7 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0037 (sheet 7 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 5H, unnamed private unmade track to Welham Bridge Farm (for information indicated as TX 13/4 on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0067 sheet 7 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0037 (sheet 7 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 5I, Bursea Lane, Holme Upon Spalding Moor (for information tarmac road indicated as RDX 14/A and B on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0068 sheet 8 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0038 (sheet 8 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 5J, Drain Lane, Holme Upon Spalding Moor (for information tarmac road indicated as RDX 15/A and B on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0068 sheet 8 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0038 (sheet 8 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 8B, Skiff Lane, Holme Upon Spalding Moor (for information tarmac road indicated as RDX 16/A and B on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0069 sheet 9 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0039 (sheet 9 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 8C, Lock Lane, Holme Upon Spalding Moor (for information tarmac road indicated as RDX 17/A and B on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0069 sheet 9 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0039 (sheet 9 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 8C, unnamed private unmade track to the side of Market Weighton Canal (for information indicated as TX 17/1 on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0069 sheet 9 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0039 (sheet 9 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 8D, Sand Lane, North Cliffe (for information tarmac road indicated as RDX 18/A and B on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0070 sheet 10 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0040 (sheet 10 of 25)

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street subject to street works</i>
East Riding of Yorkshire Council	For the purposes of Work No. 8D, unnamed private unmade farm track to Top Cottages (for information indicated as TX 18/1 on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0070 sheet 10 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0040 (sheet 10 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 8D, Unnamed private unmade track from Long Lane to Bellsbeck Farm (for information indicated as TX 18/2 on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0070 sheet 10 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0040 (sheet 10 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 8E, Cliffe Road, Market Weighton (for information tarmac road indicated as RDX 19/A and B on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0071 sheet 11 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0041 (sheet 11 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 8E, Market Weighton Footpath No 11, between Market Weighton Canal and Back Delfin Drain (for information indicated on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0071 sheet 11 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0041 (sheet 11 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 8E, unnamed private unmade farm track from Cliffe Road by the side of the reservoir (for information indicated as TX 19/1 on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0071 sheet 11 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0041 (sheet 11 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 8F, A1034 Sancton Road, Market Weighton (for information tarmac road indicated as RDX 20/A and B on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0072 sheet 12 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0042 (sheet 12 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 8F, unnamed private unmade farm track to Weighton Wold House (for information indicated as TX 20/1 on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0072 sheet 12 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0042 (sheet 12 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 8G, A1079 Arras Hill, Market Weighton (for information tarmac road indicated as RDX 21/A and B on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0072 sheet 12 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0042 (sheet 12 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 8G, unnamed private unmade farm track to Wold House Farm (for information indicated as TX 21/1 on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0072 sheet 12 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0042 (sheet 12 of 25)

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street subject to street works</i>
East Riding of Yorkshire Council	For the purposes of Work No. 8G, Goodmanham Footpath No. 6 (for information indicated on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0072 sheet 12 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0042 (sheet 12 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 8H, Kiplingcotes Lane, Market Weighton (for information tarmac road indicated as RDX 22/A and B on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0073 sheet 13 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0043 (sheet 13 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 8H, Etton Bridleway No. 5 Hudson Way (for information indicated on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0073 sheet 13 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0043 (sheet 13 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 8I, Kiplingcotes Road, Etton (for information tarmac road indicated as RDX 23/A and B on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0074 sheet 14 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0044 (sheet 14 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 8J, Kiplingcotes Racecourse Road, Etton (for information tarmac road indicated as RDX 24/A and B on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0074 sheet 14 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0044 (sheet 14 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 8K, Park Road, South Dalton (for information tarmac road indicated as RDX 25/A and B on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0074 sheet 14 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0044 (sheet 14 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 8K, unnamed private unmade farm track (for information indicated as TX 25/1 on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0075 sheet 15 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0045 (sheet 15 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 8L, Holme Wold Road, Holme on the Wolds (for information tarmac road indicated as RDX 26/A and B on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0075 sheet 15 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0045 (sheet 15 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 10A, Lund Footpath No. 2 path from Lund Wold Road to Bulmer's Triangle (for information indicated on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0075 sheet 15 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0045 (sheet 15 of 25)

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street subject to street works</i>
East Riding of Yorkshire Council	For the purposes of Work No. 10B, Lund Wold Road, Lund (for information tarmac road indicated as RDX 27/A and B on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0076 sheet 16 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0046 (sheet 16 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 10C, Middleton Road, Lund (for information tarmac road indicated as RDX 28/A and B on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0076 sheet 16 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0046 (sheet 16 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 10D, B1248 Lund Road, Middleton on the Wolds (for information tarmac road indicated as RDX 29/A and B on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0076 sheet 16 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0046 (sheet 16 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 10E, Middleton Road, Kilnwick (for information tarmac road indicated as RDX 30/A and B on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0077 sheet 17 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0047 (sheet 17 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 10E, Walton Footpath No 2 (for information indicated on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0077 sheet 17 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0047 (sheet 17 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 10E, unnamed private unmade track (for information indicated as TX 30/1 on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0077 sheet 17 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0047 (sheet 17 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 10E, Walton Footpath No 20 (for information indicated on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0077 sheet 17 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0047 (sheet 17 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 10F, unnamed Road from Bracken Lane to Burnbutts Lane, Watton (for information tarmac road indicated as RDX 31/A and B on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0077 sheet 17 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0047 (sheet 17 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 10G, Burnbutts Lane, Hutton Cranswick (for information tarmac road indicated as RDX 32/A and B on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0077 sheet 17 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0047 (sheet 17 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 10G, Hutton Cranswick Footpath No. 12 to Bustardnest Fox Covert (for information indicated on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0078 sheet 18 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0048 (sheet 18 of 25)

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street subject to street works</i>
East Riding of Yorkshire Council	For the purposes of Work No. 10G, Hutton Cranswick Footpath No. 11 to Bustardnest Fox Covert (for information indicated on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0078 sheet 18 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0048 (sheet 18 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 10H, Southburn Road, Hutton Cranswick (for information tarmac road indicated as RDX 33/A and B on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0079 sheet 19 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0049 (sheet 19 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 10I, A164 Beverley Road, Hutton Cranswick (for information tarmac road indicated as RDX 34/A and B on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0079 sheet 19 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0049 (sheet 19 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 10J, Jenkinson Lane, Hutton (for information tarmac road indicated as RDX 35/A and B on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0079 sheet 19 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0049 (sheet 19 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 10J, Hutton Cranswick Footpath No.18 at the side of Northfield Beck (for information indicated on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0079 sheet 19 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0049 (sheet 19 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 10K, Ricklepits, Skerne (for information tarmac road indicated as RDX 36/A and B on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0079 sheet 19 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0049 (sheet 19 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 10K, unnamed private unmade farm track to Church Farm (for information indicated as TX 36/1 on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0080 sheet 20 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0050 (sheet 20 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 13A, unnamed private unmade farm track to Cooper Hall (for information indicated as TX 36/2 on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0080 sheet 20 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0050 (sheet 20 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 13A, Skerne and Wansford Bridleway No. 7 to Cooper Hall (for information indicated on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0080 sheet 20 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0050 (sheet 20 of 25)

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street subject to street works</i>
East Riding of Yorkshire Council	For the purposes of Work No. 13A, Skerne and Wansford Bridleway and Footpath No. 9 south of River Hull (for information indicated on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0081 sheet 21 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0051 (sheet 21 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 13B, B1249 Frodingham Road, Wansford (for information tarmac road indicated as RDX 37/A and B on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0081 sheet 21 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0051 (sheet 21 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 13B, unnamed private unmade track west of White Dike (for information indicated as TX 37/1 on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0081 sheet 21 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0051 (sheet 21 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 13B, unnamed private track to South Cattleholmes (for information indicated as TX 37/2 on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0081 sheet 21 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0051 (sheet 21 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 13B, unnamed private track South of Markham Dale (for information indicated as TX 37/3 on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0082 sheet 22 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0052 (sheet 22 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 13C, Main Street, Great Kelk (for information tarmac road indicated as RDX 38/A and B on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0082 sheet 22 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0052 (sheet 22 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 13C, Foston on the Wolds Footpath No.11 (for information indicated on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0082 sheet 22 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0052 (sheet 22 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 13C, unnamed private unmade track to Gransmoor Quarry (for information indicated as TX 38/1 on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0082 sheet 22 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0052 (sheet 22 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 13C, unnamed private unmade track to Manor Farm (for information indicated as TX 38/2 on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0083 sheet 23 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0053 (sheet 23 of 25)

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street subject to street works</i>
East Riding of Yorkshire Council	For the purposes of Work No. 13D, Gransmoor Road, Gransmoor (for information tarmac road indicated as RDX 39/A and B on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0083 sheet 23 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0053 (sheet 23 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 13D, unnamed private unmade track to fishing pond (for information indicated as TX 39/1 on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0085 sheet 25 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0055 (sheet 25 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 13E, A165 Bridlington Road, Barmston (for information tarmac road indicated as RDX 40/A and B on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0085 sheet 25 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0055 (sheet 25 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 13E, Barmston Footpath No.2 (for information indicated on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0085 sheet 25 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0055 (sheet 25 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 13E, Barmston Footpath No.3 (for information indicated on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0085 sheet 25 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0055 (sheet 25 of 25)
East Riding of Yorkshire Council	For the purposes of Work No. 15A, Barmston Footpath No.4 (for information indicated on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0085 sheet 25 of 25) where crossed by the authorised development within the Order limits. Works plans drawing number 10-2574-GND-01-05-0055 (sheet 25 of 25)

SCHEDULE 5

Article 11

STREETS SUBJECT TO ALTERATION OF LAYOUT

PART 1

STREETS SUBJECT TO TEMPORARY ALTERATION OF LAYOUT

<i>(1)</i> Area	<i>(2)</i> Street subject to alteration of layout	<i>(3)</i> Description of alteration
North Yorkshire County Council Selby District Council	New Road, Long Drax	Temporary construction access At RDX 0/A shown on access, rights of way and temporary stopping up plan drawing number 10-2574-GND-01-05-0061 (Sheet 1 of 25) the widening of an existing bellmouth access to create a temporary access with sufficient size to accommodate large articulated vehicle (15.4m length) comprising an alteration of the splay, hedgeline and verge on the north western side and reinforcement of verge on south eastern side of New Road approximately 150 metres from the junction with Pear Tree Avenue. As depicted in drawing no. 10-2574-PLN-01-1044 and 10-2574-PLN-01-1054.
North Yorkshire County Council Selby District Council	Pear Tree Avenue, Long Drax	Temporary construction access At RDX 1/A and B shown on access, rights of way and temporary stopping up plan drawing number 10-2574-GND-01-05-0061 (Sheet 1 of 25) the creation of a temporary bellmouth access on each side of the road, with sufficient size to accommodate a low loader comprising a temporary alteration of the roadside verge on each side of the road.
North Yorkshire County Council Selby District Council	Carr Lane, Long Drax	Temporary construction access At RDX 2/A and B shown on access, rights of way and temporary stopping up plan drawing number 10-2574-GND-01-05-0061 (Sheet 1 of 25) the creation of a temporary bellmouth access on each side of the road, with sufficient size to accommodate a low loader comprising a temporary alteration of the roadside verge and the temporary fluming of the ditch on each side of the road.
North Yorkshire County Council Selby District Council	Main Road, Long Drax	Temporary construction access At RDX 3/A and B shown on access, rights of way and temporary stopping up plan drawing number 10-2574-GND-01-05-0061 (Sheet 1 of 25) the creation of a temporary bellmouth access on each side of the road, with sufficient size to accommodate a low loader comprising a temporary alteration of the roadside verge on each side of the road and the temporary fluming of the ditch on the western side of the road (RDX3A).

<i>(1)</i> Area	<i>(2)</i> Street subject to alteration of layout	<i>(3)</i> Description of alteration
North Yorkshire County Council Selby District Council	Church Dike Lane, Drax	Temporary construction access At RDX 4/A and B shown on access, rights of way and temporary stopping up plan drawing number 10-2574-GND-01-05-0062 (Sheet 2 of 25) the creation of a temporary bellmouth access on each side of the road, with sufficient size to accommodate a low loader comprising a temporary alteration of the roadside verge on each side of the road and the temporary fluming of the ditch on the northern side of the road (RDX4/A).
North Yorkshire County Council Selby District Council	Brickhill Lane, Drax	Temporary construction access At RDX 5/A and B shown on access, rights of way and temporary stopping up plan drawing number 10-2574-GND-01-05-0062 (Sheet 2 of 25) the creation of a temporary bellmouth access on each side of the road, with sufficient size to accommodate a low loader comprising a temporary alteration of the roadside verge on each side of the road and the temporary fluming of the ditch on the eastern side of the road (RDX 5/A).
North Yorkshire County Council Selby District Council	A645, Drax	Temporary construction access At RDX 6+7/A and B shown on access, rights of way and temporary stopping up plan drawing number 10-2574-GND-01-05-0062 (Sheet 2 of 25) the creation of a temporary bellmouth access on each side of the road, with sufficient size to accommodate a low loader comprising a temporary alteration of the kerb line and roadside verge on each side of the road.
North Yorkshire County Council Selby District Council	Church Dike Lane, Drax	Temporary construction access At RDX 8/A and B shown on access, rights of way and temporary stopping up plan drawing number 10-2574-GND-01-05-0062 (Sheet 2 of 25) the creation of a temporary bellmouth access on each side of the road, with sufficient size to accommodate a low loader comprising a temporary alteration of the roadside verge on each side of the road and the temporary fluming of the ditch on the northern side of the road (RDX 8/B).
East Riding of Yorkshire Council	Barmby Road, Asselby	Temporary construction access At RDX 9/A and B shown on access, rights of way and temporary stopping up plan drawing number 10-2574-GND-01-05-0063 (Sheet 3 of 25) the creation of a temporary bellmouth access on each side of the road, with sufficient size to accommodate a low loader comprising a temporary alteration of the roadside verge on each side of the road.
East Riding of Yorkshire Council	A63 Hull Road, Newsholme	Temporary construction access At RDX 10/A and B shown on access, rights of way and temporary stopping up plan drawing number 10-2574-GND-01-05-0064 (Sheet 4 of 25) the creation of a temporary bellmouth access on each side of the road, with sufficient size to accommodate a low loader comprising a temporary alteration of the kerb line and roadside verge on each side of the road.

<i>(1)</i> Area	<i>(2)</i> Street subject to alteration of layout	<i>(3)</i> Description of alteration
East Riding of Yorkshire Council	Brind Lane, Brind	Temporary construction access At RDX 11/A and B shown on access, rights of way and temporary stopping up plan drawing number 10-2574-GND-01-05-0065 (Sheet 5 of 25) the creation of a temporary bellmouth access on each side of the road, with sufficient size to accommodate a low loader comprising a temporary alteration of the roadside verge and the temporary fluming of the ditch on each side of the road.
East Riding of Yorkshire Council	B1228 Wood Lane, Brind	Temporary construction access At RDX 12/A and B shown on access, rights of way and temporary stopping up plan drawing number 10-2574-GND-01-05-0065 (Sheet 5 of 25) the creation of a temporary bellmouth access on each side of the road, with sufficient size to accommodate a low loader comprising a temporary alteration of the roadside verge on each side of the road and the temporary fluming of the ditch on the western side of the road (RDX 12/A).
East Riding of Yorkshire Council	A614 Holme Road, Spaldington	Temporary construction access At RDX 13/A and B shown on access, rights of way and temporary stopping up plan drawing number 10-2574-GND-01-05-0067 (Sheet 7 of 25) the creation of a temporary bellmouth access on each side of the road, with sufficient size to accommodate a low loader comprising a temporary alteration of the roadside verge and the temporary fluming the ditch on each side of the road.
East Riding of Yorkshire Council	Bursea Lane, Holme Upon Spalding Moor	Temporary construction access At RDX 14/A and B shown on access, rights of way and temporary stopping up plan drawing number 10-2574-GND-01-05-0068 (Sheet 8 of 25) the creation of a temporary bellmouth access on each side of the road, with sufficient size to accommodate a low loader comprising a temporary alteration of the roadside verge on each side of the road and the temporary fluming the ditch on the north-eastern side of the road (RDX 14/B).
East Riding of Yorkshire Council	Drain Lane, Holme Upon Spalding Moor	Temporary construction access At RDX 15/A and B shown on access, rights of way and temporary stopping up plan drawing number 10-2574-GND-01-05-0068 (Sheet 8 of 25) the creation of a temporary bellmouth access on each side of the road, with sufficient size to accommodate a low loader comprising a temporary alteration of the roadside verge on each side of the road and the temporary fluming the ditch on the north-eastern side of the road (RDX 15/B).
East Riding of Yorkshire Council	Skiff Lane, Holme Upon Spalding Moor	Temporary construction access At RDX 16/A and B shown on access, rights of way and temporary stopping up plan drawing number 10-2574-GND-01-05-0069 (Sheet 9 of 25) the creation of a temporary bellmouth access on each side of the road, with sufficient size to accommodate a low loader comprising a temporary alteration of the roadside verge on each side of the road.

<i>(1)</i> Area	<i>(2)</i> Street subject to alteration of layout	<i>(3)</i> Description of alteration
East Riding of Yorkshire Council	Lock Lane, Holme Upon Spalding Moor	Temporary construction access At RDX 17/A and B shown on access, rights of way and temporary stopping up plan drawing number 10-2574-GND-01-05-0069 (Sheet 9 of 25) the creation of a temporary bellmouth access on each side of the road, with sufficient size to accommodate a low loader comprising a temporary alteration of the roadside verge on each side of the road and the temporary fluming the ditch on the southern side of the road (RDX 17/A).
East Riding of Yorkshire Council	Sand Lane, North Cliffe	Temporary construction access At RDX 18/A and B shown on access, rights of way and temporary stopping up plan drawing number 10-2574-GND-01-05-0070 (Sheet 10 of 25) the creation of a temporary bellmouth access on each side of the road, with sufficient size to accommodate a low loader comprising a temporary alteration of the roadside verge on each side of the road.
East Riding of Yorkshire Council	Cliffe Road, Market Weighton	Temporary construction access At RDX 19/A and B shown on Access, Rights of Way and Temporary Stopping Up Plan drawing number 10-2574-GND-01-05-0071 (Sheet 11 of 25) the creation of a temporary bellmouth access on each side of the road, with sufficient size to accommodate a low loader comprising a temporary alteration of the roadside verge on each side of the road and the temporary fluming the ditch on the eastern side of the road (RDX 19/B).
East Riding of Yorkshire Council	A1034 Sancton Road, Market Weighton	Temporary construction access At RDX 20/A and B shown on access, rights of way and temporary stopping up plan drawing number 10-2574-GND-01-05-0072 (Sheet 12 of 25) the creation of a temporary bellmouth access on each side of the road, with sufficient size to accommodate a low loader comprising a temporary alteration of the roadside verge on each side of the road, and the tarmac pavement on the north-eastern side of the road (RDX 20/B).
East Riding of Yorkshire Council	A1079 Arras Hill, Market Weighton	Temporary construction access At RDX 21/A and B shown on access, rights of way and temporary stopping up plan drawing number 10-2574-GND-01-05-0072 (Sheet 12 of 25) the creation of a temporary bellmouth access on each side of the road, with sufficient size to accommodate a low loader comprising a temporary alteration of the kerb line and roadside verge on each side of the road.
East Riding of Yorkshire Council	Kiplingcotes Lane, Market Weighton	Temporary construction access At RDX 22/A and B shown on access, rights of way and temporary stopping up plan drawing number 10-2574-GND-01-05-0073 (Sheet 13 of 25) the creation of a temporary bellmouth access on each side of the road, with sufficient size to accommodate a low loader comprising a temporary alteration of the roadside verge on each side of the road.

<i>(1)</i> Area	<i>(2)</i> Street subject to alteration of layout	<i>(3)</i> Description of alteration
East Riding of Yorkshire Council	Kiplingcotes Road, Etton	Temporary construction access At RDX 23/A and B shown on access, rights of way and temporary stopping up plan drawing number 10-2574-GND-01-05-0074 (Sheet 14 of 25) the creation of a temporary bellmouth access on each side of the road, with sufficient size to accommodate a low loader comprising a temporary alteration of the roadside verge on each side of the road.
East Riding of Yorkshire Council	Kiplingcotes Racecourse Road, Etton	Temporary construction access At RDX 24/A and B shown on access, rights of way and temporary stopping up plan drawing number 10-2574-GND-01-05-0074 (Sheet 14 of 25) the creation of a temporary bellmouth access on each side of the road, with sufficient size to accommodate a low loader comprising a temporary alteration of the roadside verge on each side of the road.
East Riding of Yorkshire Council	Park Road, South Dalton	Temporary construction access At RDX 25/A and B shown on access, rights of way and temporary stopping up plan drawing number 10-2574-GND-01-05-0074 (Sheet 14 of 25) the creation of a temporary bellmouth access on each side of the road, with sufficient size to accommodate a low loader comprising a temporary alteration of the roadside verge on each side of the road.
East Riding of Yorkshire Council	Holme Wold Road, Holme on the Wolds	Temporary construction access At RDX 26/A and B shown on access, rights of way and temporary stopping up plan drawing number 10-2574-GND-01-05-0075 (Sheet 15 of 25) the creation of a temporary bellmouth access on each side of the road, with sufficient size to accommodate a low loader comprising a temporary alteration of the roadside verge on each side of the road.
East Riding of Yorkshire Council	Lund Wold Road, Lund	Temporary construction access At RDX 27/A and B shown on access, rights of way and temporary stopping up plan drawing number 10-2574-GND-01-05-0076 (Sheet 16 of 25) the creation of a temporary bellmouth access on each side of the road, with sufficient size to accommodate a low loader comprising a temporary alteration of the roadside verge on each side of the road.
East Riding of Yorkshire Council	Middleton Road, Lund	Temporary construction access At RDX 28/A and B shown on access, rights of way and temporary stopping up plan drawing number 10-2574-GND-01-05-0076 (Sheet 16 of 25) the creation of a temporary bellmouth access on each side of the road, with sufficient size to accommodate a low loader comprising a temporary alteration of the roadside verge on each side of the road.

<i>(1)</i> Area	<i>(2)</i> Street subject to alteration of layout	<i>(3)</i> Description of alteration
East Riding of Yorkshire Council	B1248 Lund Road, Middleton on the Wolds	Temporary construction access At RDX 29/A and B shown on access, rights of way and temporary stopping up plan drawing number 10-2574-GND-01-05-0076 (Sheet 16 of 25) the creation of a temporary bellmouth access on each side of the road, with sufficient size to accommodate a low loader comprising a temporary alteration of the roadside verge on each side of the road.
East Riding of Yorkshire Council	Middleton Road, Kilnwick	Temporary construction access At RDX 30/A and B shown on access, rights of way and temporary stopping up plan drawing number 10-2574-GND-01-05-0077 (Sheet 17 of 25) the creation of a temporary bellmouth access on each side of the road, with sufficient size to accommodate a low loader comprising a temporary alteration of the roadside verge on each side of the road.
East Riding of Yorkshire Council	Unnamed Road from Bracken Lane to Burnbutts Lane, Watton	Temporary construction access At RDX 31/A and B shown on access, rights of way and temporary stopping up plan drawing number 10-2574-GND-01-05-0077 (Sheet 17 of 25) the creation of a temporary bellmouth access on each side of the road, with sufficient size to accommodate a low loader comprising a temporary alteration of the roadside verge on each side of the road.
East Riding of Yorkshire Council	Burnbutts Lane, Hutton Cranswick	Temporary construction access At RDX 32/A and B shown on access, rights of way and temporary stopping up plan drawing number 10-2574-GND-01-05-0077 (Sheet 17 of 25) the creation of a temporary bellmouth access on each side of the road, with sufficient size to accommodate a low loader comprising a temporary alteration of the roadside verge on each side of the road.
East Riding of Yorkshire Council	Southburn Road, Hutton Cranswick	Temporary construction access At RDX 33/A and B shown on access, rights of way and temporary stopping up plan drawing number 10-2574-GND-01-05-0079 (Sheet 19 of 25) the creation of a temporary bellmouth access on each side of the road, with sufficient size to accommodate a low loader comprising a temporary alteration of the roadside verge and the temporary fluming of the ditch on each side of the road.
East Riding of Yorkshire Council	A164 Beverley Road, Hutton Cranswick	Temporary construction access At RDX 34/A and B shown on access, rights of way and temporary stopping up plan drawing number 10-2574-GND-01-05-0079 (Sheet 19 of 25) the creation of a temporary bellmouth access on each side of the road, with sufficient size to accommodate a low loader comprising a temporary alteration of the kerb line and roadside verge and the temporary fluming of the ditch on each side of the road.

<i>(1)</i> Area	<i>(2)</i> Street subject to alteration of layout	<i>(3)</i> Description of alteration
East Riding of Yorkshire Council	Jenkinson Lane, Hutton	Temporary construction access At RDX 35/A and B shown on access, rights of way and temporary stopping up plan drawing number 10-2574-GND-01-05-0079 (Sheet 19 of 25) the creation of a temporary bellmouth access on each side of the road, with sufficient size to accommodate a low loader comprising a temporary alteration of the roadside verge on each side of the road and the temporary fluming of the ditch on the southern side of the road (RDX 35/A).
East Riding of Yorkshire Council	Ricklepits, Skerne	Temporary construction access At RDX 36/A and B shown on access, rights of way and temporary stopping up plan drawing number 10-2574-GND-01-05-0079 (Sheet 19 of 25) the creation of a temporary bellmouth access on each side of the road, with sufficient size to accommodate a low loader comprising a temporary alteration of the roadside verge on each side of the road and the temporary fluming of the ditch on the western side of the road (RDX 36/A).
East Riding of Yorkshire Council	Road to Skerne (Main Street), Wansford	Temporary construction access At RDX 37/B shown on access, rights of way and temporary stopping up plan drawing number 10-2574-GND-01-05-0081 (Sheet 21 of 25) the creation of a temporary bellmouth access on the south-eastern side of the road between the canal bridge and River Hull, with sufficient size to accommodate a low loader comprising a temporary alteration of the roadside verge, fencing and gate.
East Riding of Yorkshire Council	B1249 Frodingham Road, Wansford	Temporary construction access At RDX 37/A shown on access, rights of way and temporary stopping up plan drawing number 10-2574-GND-01-05-0081 (Sheet 21 of 25) the creation of a temporary bellmouth access on the north-eastern side of the road, with sufficient size to accommodate a low loader comprising a temporary alteration of the roadside verge and the temporary fluming of the ditch on the north-eastern side of the road.
East Riding of Yorkshire Council	B1249 Frodingham Road, Wansford	Temporary construction access At RDX 37/C shown on access, rights of way and temporary stopping up plan drawing number 10-2574-GND-01-05-0081 (Sheet 21 of 25) the temporary widening of an existing bellmouth access on the south-western side of the road, with sufficient size to accommodate a low loader comprising a temporary alteration of the roadside verge on the western side of the road.
East Riding of Yorkshire Council	Main Street, Great Kelk	Temporary construction access At RDX 38/A and B shown on access, rights of way and temporary stopping up plan drawing number 10-2574-GND-01-05-0082 (Sheet 22 of 25) the creation of a temporary bellmouth access on each side of the road, with sufficient size to accommodate a low loader comprising a temporary alteration of the roadside verge on each side of the road.

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street subject to alteration of layout</i>	<i>(3)</i> <i>Description of alteration</i>
East Riding of Yorkshire Council	Gransmoor Road, Gransmoor	<p>Temporary construction access</p> <p>At RDX 39/A and B shown on access, rights of way and temporary stopping up plan drawing number 10-2574-GND-01-05-0083 (Sheet 23 of 25) the creation of a temporary bellmouth access on each side of the road, with sufficient size to accommodate a low loader comprising a temporary alteration of the roadside verge on each side of the road.</p>
East Riding of Yorkshire Council	A165 Bridlington Road, Barmston	<p>Temporary construction access</p> <p>At RDX 40/A and B shown on access, rights of way and temporary stopping up plan drawing number 10-2574-GND-01-05-0085 (Sheet 25 of 25) the creation of a temporary bellmouth access on each side of the road, with sufficient size to accommodate a low loader comprising a temporary alteration of the roadside verge on each side of the road.</p>
East Riding of Yorkshire Council	A614, Driffield	<p>Access to Driffield Construction Compound, Former Alamein Barracks, opposite Mallard House</p> <p>The creation of a temporary access onto the A614 comprised in Work No. 12 (works plans drawing number 10-2574-GND-01-05-0049; inset on sheet 19 of 25) and as shown on access, rights of way and temporary stopping up plan drawing number 10-2574-GND-01-05-0079 (inset on Sheet 19 of 25), namely increase in width of existing bellmouth access on the northern side of the road with sufficient size to accommodate a maximum legal length articulated vehicle (16.5m length) comprising a temporary alteration of the pavement, roadside verge, kerb line and carriageway on the northern side of the road as depicted in drawing no.10-2574-PLN-01-1053 and 10-2574-PLN-01-1061. Provision of new gate.</p>

PART 2

STREETS SUBJECT TO PERMANENT ALTERATION OF LAYOUT

<i>(1)</i> Area	<i>(2)</i> Street subject to alteration of layout	<i>(3)</i> Description of alteration
North Yorkshire County Council	Wade House Lane, Drax	<p>Access to Camblesforth Multi-junction</p> <p>The creation of a permanent access onto Wade House Lane comprised in Work No. 4C on Works Plans (drawing number 10-2574-GND-01-05-0032; sheet 2 of 25) and RDX6+7/C as depicted on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0062; sheet 2 of 25), namely the creation of a permanent bellmouth access on the eastern side of the road, with sufficient size to accommodate junction radii to enable turning movements of a large articulated vehicle (15.4m length) comprising an alteration of the existing adopted carriageway and adjoining roadside verge and kerb line on the eastern side of the road to create a junction with a new access road as depicted in drawing no. 10-2574-PLN-01-1045 and 10-2574-PLN-01-1055.</p>
North Yorkshire County Council	Wade House Lane/ A645, Drax	<p>Access to Camblesforth Multi-junction</p> <p>Alteration of the existing junction between Wade House Lane (South) and the A645 to accommodate the creation of a permanent access onto the A645 from Wade House Lane comprised in Work No. 4C on Works Plans (drawing number 10-2574-GND-01-05-0032; sheet 2 of 25) and RDX6+7/C as depicted on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0062; sheet 2 of 25), namely the upgrading of an existing bellmouth access on the southern side of the A645, with sufficient size to accommodate junction radii to enable turning movements of a large articulated vehicle (15.4m length) comprising an increase to the width and alteration of the alignment of existing adopted road junction, alteration of the splay, kerb line, carriageway and adjoining road-side verge and embankment on the southern side of the A645 and upgrading of Wade House Lane road surface as depicted in drawing no. 10-2574-PLN-01-1045 and 10-2574-PLN-01-1055 cutting back of vegetation in highway verge to enable visibility splay.</p>

<i>(1)</i> Area	<i>(2)</i> Street subject to alteration of layout	<i>(3)</i> Description of alteration
East Riding of Yorkshire Council	Skiff Lane, Holme Upon Spalding Moor	<p>Access to Tollingham Block Valve</p> <p>The creation of a permanent access onto Skiff Lane comprised in Work No. 6C on Works Plans (drawing number 10-2574-GND-01-05-0039; sheet 9 of 25) and RDX16/C as depicted on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0069; sheet 9 of 25), namely the creation of a new permanent bellmouth access on the southern side of the road comprising an alteration of the existing adopted carriageway and adjoining hedgeline and verge to accommodate a junction with a new access road with sufficient size to accommodate junction radii to enable turning movements of a large articulated vehicle (15.4m length), in and out of Skiff Lane as depicted in drawing no. 10-2574-PLN-01-1046 and 10-2574-PLN-01-1056.</p>
East Riding of Yorkshire Council	Lund Wold Road, Lund	<p>Access to Dalton Block Valve</p> <p>The creation of a permanent access onto Lund Wold Road for comprised in Work No. 9C on Works Plans (drawing number 10-2574-GND-01-05-0045; sheet 15 of 25) and RDX27/C as depicted on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0075; sheet 15 of 25), namely the creation of a new permanent bellmouth access on the southern side of the road comprising an alteration of the existing adopted carriageway and adjoining hedgeline and roadside verge to accommodate a junction with a new access road with sufficient size to accommodate junction radii to enable turning movements of a large articulated vehicle (15.4m length), in and out of Lund Wold Road, as depicted in drawing no. 10-2574-PLN-01-1047 and 10-2574-PLN-01-1057.</p>

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street subject to alteration of layout</i>	<i>(3)</i> <i>Description of alteration</i>
East Riding of Yorkshire Council	Main Street, Skerne	<p>Access to Skerne Block Valve</p> <p>Modification of existing junction of Church Farm access road with Main Street, Skerne to accommodate permanent access comprised in Work No. 11C on Works Plans (drawing number 10-2574-GND-01-05-0050; sheet 20 of 25) and RDX36/C as depicted on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0080; sheet 20 of 25), namely the upgrading of an existing bellmouth access on the southern side of Main Street Skerne with sufficient size to accommodate junction radii to enable turning movements of a large articulated vehicle (15.4m length) comprising an increase to the width and alteration of the alignment of existing adopted road junction, an alteration of the splay, hedgeline and roadside verge, kerb line and carriageway as depicted in drawing no. 10-2574-PLN-01-1048 and 10-2574-PLN-01-1058</p>

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street subject to alteration of layout</i>	<i>(3)</i> <i>Description of alteration</i>
East Riding of Yorkshire Council	Sands Road, Barmston	<p>Access to Barmston Pumping Station.</p> <p>Permanent access from A165 Bridlington Road/Sands Road, Barmston comprising—</p> <ul style="list-style-type: none"> (d) the creation of two permanent accesses onto Sands Road (track), comprising new permanent bellmouth accesses as depicted in drawing no. 10-2574-PLN-01-1049, and an increase to the width of the existing adopted track with sufficient size to accommodate junction radii to enable turning movements of a large articulated vehicle (15.4m length) as depicted in drawing no. 10-2574-PLN-01-1059; and alteration of the carriageway/upgrading of the road surface for approximately 100m; (e) modification of existing junction where Sands Road (track) meets the tarmac road, an increase to the width of the carriageway and alteration of the adjoining roadside verge on the eastern side of the existing bend. Provision of new gate. As depicted in drawing no.10-2574-PLN-01-1050; (f) an increase to the width of the carriageway and alteration of the adjoining roadside verge for 630m between the junction with Sands Road (track) and A165. As depicted in drawing no.10-2574-PLN-01-1051, <p>all comprised in Work No. 14C on Works Plans (drawing number 10-2574-GND-01-05-0055; sheet 25 of 25) and RDX40/C as depicted on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0085; sheet 25 of 25)</p>

SCHEDULE 6

Article 14

STREETS AND PUBLIC RIGHTS OF WAY TO BE TEMPORARILY STOPPED UP

PART 1
STREETS

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street subject to temporary stopping up</i>	<i>(3)</i> <i>Extent of temporary stopping up</i>
North Yorkshire County Council Selby District Council	Pear Tree Avenue, Long Drax	Between point ST1 and ST2 as depicted on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0061; sheet 1 of 25)
North Yorkshire County Council Selby District Council	Brickhill Lane, Drax	Between point ST3 and ST4 as depicted on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0062; sheet 2 of 25)
East Riding of Yorkshire Council	Kiplingcotes Lane, Market Weighton	Between point ST5 and ST6 as depicted on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0073; sheet 13 of 25)
East Riding of Yorkshire Council	Kiplingcotes Racecourse Road, Etton	Between point ST7 and ST8 as depicted on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0074; sheet 14 of 25)
East Riding of Yorkshire Council	Park Road, South Dalton	Between point ST9 and ST10 as depicted on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0074; sheet 14 of 25)
East Riding of Yorkshire Council	Holme Wold Road, Holme on the Wolds	Between point ST11 and ST12 as depicted on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0075; sheet 15 of 25)
East Riding of Yorkshire Council	Unnamed Road from Bracken Lane to Burnbutts Lane, Watton	Between point ST13 and ST14 as depicted on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0077; sheet 17 of 25)
East Riding of Yorkshire Council	Burnbutts Lane, Hutton Cranswick	Between point ST15 and ST16 as depicted on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0077; sheet 17 of 25)

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street subject to temporary stopping up</i>	<i>(3)</i> <i>Extent of temporary stopping up</i>
East Riding of Yorkshire Council	Sands Road, Barmston	Between point ST17 and ST18 as depicted on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0085; sheet 25 of 25)

PART 2
RIGHTS OF WAY

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Footpath to be temporarily stopped up</i>	<i>(3)</i> <i>Extent of temporary stopping up</i>
North Yorkshire County Council, Selby District Council	Long Drax Footpath no. 35.47/6/1, running along track from New Road west towards Carr Dyke or, in the event that it is diverted under the public path diversion order entitled "Footpath Nos. 35.47/1, 35.47/6 & 35.47/10, Long Drax and 35.6/12, Barlow, Drax Power Station, Long Drax Diversion Order 2014", under any other public path diversion order pertaining to Public Footpath No. 35.47/6/1 or otherwise, such other footpath number or numbers (if different) and such route or routes as may be specified in the instrument by which the diversion is given effect so far as it or they fall within the Order limits	Between point FP1 and FP2, as depicted on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0061; sheet 1 of 25) or, if diverted under the application to North Yorkshire County Council for a diversion order with file reference SEL/2012/05 or otherwise, the extent of the route or routes of the diverted footpath or footpaths so far as it or they fall within the Order limits

(1) Area	(2) <i>Footpath to be temporarily stopped up</i>	(3) <i>Extent of temporary stopping up</i>
North Yorkshire County Council, Selby District Council	Long Drax Footpath No. 35.47/1/1, in the event that it is diverted under the public path diversion order entitled “Footpath Nos. 35.47/1, 35.47/6 & 35.47/10, Long Drax and 35.6/12, Barlow, Drax Power Station, Long Drax Diversion Order 2014”, under any other public path diversion order pertaining to Public Footpath No. 35.47/1/1 or otherwise (including such other footpath number or numbers (if different) and such route or routes as may be specified in the instrument by which the diversion is given effect) so far as following such diversion it or they fall within the Order limits	So far as the route or routes of the diverted footpath or footpaths fall within the Order limits
North Yorkshire County Council, Selby District Council	Long Drax Footpath No. 35.47/8/1, running south-west from Pear Tree Avenue, across agricultural land (or such other footpath number or numbers for such footpath as may be specified in the public path diversion order entitled “Footpath Nos. 35.47/1, 35.47/6 & 35.47/10, Long Drax and 35.6/12, Barlow, Drax Power Station, Long Drax Diversion Order 2014”, any other public path diversion order pertaining to Public Footpath No. 35.47/8/1 or otherwise)	Between point FP5 and FP6, as depicted on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0061; sheet 1 of 25)
North Yorkshire County Council, Selby District Council	Drax Footpath No. 35.26/7/1, running east from Drax Main Road along track at southern edge of Read School Playing Field and thence east and then north-east through agricultural land	Between point FP7 and FP8, and between point FP8A and FP8B as depicted on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0062; sheet 2 of 25)
North Yorkshire County Council, Selby District Council	Drax Footpath No. 35.26/13/2, running through agricultural land east of Read School Playing Field, and north-west of Scurff Hall	Between point FP8B and FP9, as depicted on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0062; sheet 2 of 25)

(1) Area	(2) Footpath to be temporarily stopped up	(3) Extent of temporary stopping up
North Yorkshire County Council, Selby District Council	Drax Footpath 35.26/13/1, running through agricultural land north-west of Scurff Hall	Between point FP8B and FP10, as depicted on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0062; sheet 2 of 25)
North Yorkshire County Council, Selby District Council	Newland Footpath No. 35.49/1/2, running through agricultural land north-west of Scurff Hall	Between point FP10 and FP11, as depicted on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0062; sheet 2 of 25)
North Yorkshire County Council, Selby District Council	Newland Footpath No. 35.49/2/2, running through agricultural land north of Scurff Hall	Between point FP12 and FP13, as depicted on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0062 and 0063; sheet 2 and 3 of 25)
North Yorkshire County Council, Selby District Council	Newland Footpath No. 35.49/3/1, running through agricultural land to north-west of Scurff Hall	Between point FP13 and FP14, as depicted on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0063; sheet 3 of 25)
North Yorkshire County Council, Selby District Council	Newland Footpath No. 35.49/2/1, running through agricultural land north of Scurff Hall	Between point FP13 and FP15, as depicted on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0063; sheet 3 of 25)
North Yorkshire County Council, Selby District Council	Drax Footpath No. 35.26/9/1, known as Brickhill Lane	Between point FP16 and FP17, as depicted on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0062; sheet 2 of 25)
East Riding of Yorkshire Council	Asselby Footpath No. 2, known as Marsh Lane (Track), running through agricultural land	Between point FP18 and FP19, as depicted on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0064; sheet 4 of 25)
East Riding of Yorkshire Council	Asselby Footpath No. 1, running north from Asselby village, across agricultural land	Between point FP20 and FP21, as depicted on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0064; sheet 4 of 25)

(1) Area	(2) <i>Footpath to be temporarily stopped up</i>	(3) <i>Extent of temporary stopping up</i>
East Riding of Yorkshire Council	Wressle Footpath No. 10, running across agricultural land north of Newsholme Parks	Between point FP22 and FP23, as depicted on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0064; sheet 4 of 25)
East Riding of Yorkshire Council	Wressle Footpath No. 6, running across agricultural land north of Newsholme Parks and south-west of Brind	Between point FP24 and FP25, as depicted on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0065; sheets 5 of 25)
East Riding of Yorkshire Council	Wressle Footpath No. 8, running across agricultural land north of Newsholme Parks and south-west of Brind	Between point FP26 and FP27, as depicted on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0065; sheet 5 of 25)
East Riding of Yorkshire Council	Eastrington Bridleway No. 17, known as Featherbed Lane (Track). This is crossed twice, toward the Lane's western and eastern ends	Between point FP28 and FP29, and from FP30 to FP31, as depicted on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0066; sheet 6 of 25)
East Riding of Yorkshire Council	Spaldington Footpath No. 12, along a track running south-east from the A614 to Featherbed Drain, across agricultural land south of Sikes Farm	Between point FP32 and FP33, as depicted on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0067; sheet 7 of 25)
East Riding of Yorkshire Council	Market Weighton Footpath No. 11, running across agricultural land at Crossfields Farm	Between point FP34 and FP35, as depicted on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0071; sheet 11 of 25)
East Riding of Yorkshire Council	Goodmanham Footpath No. 6, running east from Rifle Butts quarry, across agricultural land	Between point FP36 and FP37, as depicted on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0072; sheet 12 of 25)

(1) Area	(2) <i>Footpath to be temporarily stopped up</i>	(3) <i>Extent of temporary stopping up</i>
East Riding of Yorkshire Council	Lund Footpath No. 2, running south from Lund Wold Road, along the edge of an agricultural field, to Bulmers Triangle plantation	Between point FP38 and FP39, as depicted on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0075; sheet 15 of 25)
East Riding of Yorkshire Council	Watton Footpath No. 2, running across agricultural land north of Bracken village	Between point FP40 and FP41, as depicted on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0077; sheet 17 of 25)
East Riding of Yorkshire Council	Watton Footpath No. 20, following track running north from Bracken village through agricultural land	Between point FP42 and FP43, as depicted on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0077; sheet 17 of 25)
East Riding of Yorkshire Council	Hutton Cranswick Footpath No. 12, running north of and adjacent to Bustard Nest Farm, across agricultural land	Between point FP44 and FP45, as depicted on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0078; sheet 18 of 25)
East Riding of Yorkshire Council	Hutton Cranswick Footpath No. 11, running north of Bustard Nest Farm, across agricultural land	Between point FP46 and FP47, as depicted on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0078; sheet 18 of 25)
East Riding of Yorkshire Council	Hutton Cranswick Footpath No. 18, running across agricultural land north of Hutton village	Between point FP48 and FP49, as depicted on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0079; sheet 19 of 25)
East Riding of Yorkshire Council	Skerne and Wansford Bridleway No. 7, running along a track from Church Farm to Cleaves Farm, through agricultural land south-east of Skerne village	Between point FP50 and FP51, as depicted on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0080; sheet 20 of 25)
East Riding of Yorkshire Council	Skerne and Wansford Bridleway No. 8, running along a track south-west of Copper Hall, through agricultural land south-east of Skerne village	Between point FP52 and FP53, as depicted on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0080; sheet 20 of 25)

(1) <i>Area</i>	(2) <i>Footpath to be temporarily stopped up</i>	(3) <i>Extent of temporary stopping up</i>
East Riding of Yorkshire Council	Foston on the Wolds Footpath No. 11, running through agricultural land from Great Kelk south to Gembling	Between point FP54 and FP55, as depicted on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0082; sheet 22 of 25)
East Riding of Yorkshire Council	Barmston Footpath No. 2, running across agricultural land from Bridlington Road at Stonehills to its junction with Barmston Footpath No. 3, west of Hamilton Hill	Between point FP56 and FP57, as depicted on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0084; sheet 24 of 25)
East Riding of Yorkshire Council	Barmston Footpath No. 3, running north from Barmston village, to west of Hamilton Hill, through agricultural land	Between point FP58 and FP59, as depicted on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0085; sheet 25 of 25)
East Riding of Yorkshire Council	Barmston Footpath No. 4, running north from Barmston village, to east of Hamilton Hill, through agricultural land	Between point FP60 and FP61, as depicted on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0085; sheet 25 of 25)

SCHEDULE 7

Article 16

ACCESS TO WORKS

PART 1

TEMPORARY ACCESS

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Access details</i>
North Yorkshire County Council, Selby District Council	Temporary access from any point within the order limits on New Road, RDX0/A as indicatively shown on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0061; sheet 1 of 25)
North Yorkshire County Council, Selby District Council	Temporary access from any point within the order limits on Pear Tree Avenue, (RDX1/A and RDX1/B indicatively shown on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0061; sheet 1 of 25)
North Yorkshire County Council, Selby District Council	Temporary access from any point within the order limits on Carr Lane, RDX2/A and RDX2/B as indicatively shown on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0061; sheet 1 of 25)
North Yorkshire County Council, Selby District Council	Temporary access from any point within the order limits on Main Road, RDX3/A and RDX3/B as indicatively shown on the access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0061; sheet 1 of 25)
North Yorkshire County Council, Selby District Council	Temporary access from any point within the order limits on Church Dike Lane, RDX4/A and RDX4/B as indicatively shown on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0062; sheet 2 of 25)
North Yorkshire County Council, Selby District Council	Temporary access from any point within the order limits on Brickhill Lane, RDX5/A and RDX5/B as indicatively shown on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0062; sheet 2 of 25)
North Yorkshire County Council, Selby District Council	Temporary access from any point within the order limits on the A645, RDX6&7/A and RDX6&7/B as indicatively shown on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0062; sheet 2 of 25)
North Yorkshire County Council, Selby District Council	Temporary access from any point within the order limits on Church Dike Lane, RDX8/A and RDX8/B as indicatively shown on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0062; sheet 2 of 25)
East Riding of Yorkshire Council	Temporary access from any point within the order limits on Barmby Road, Asselby, RDX9/A and RDX9/B as indicatively shown on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0063; sheet 3 of 25)
East Riding of Yorkshire Council	Temporary access from any point within the order limits on Barmby Road, Asselby, RDX9/C as indicatively shown on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0063; sheet 3 of 25)
East Riding of Yorkshire Council	Temporary access from any point within the order limits on A63 Hull Road, RDX10/A and RDX10/B as indicatively shown on the access, rights of way and temporary stopping up plans (drawing number 10-

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Access details</i>
	2574-GND-01-05-0064; sheet 4 of 25)
East Riding of Yorkshire Council	Temporary access from any point within the order limits on Brind Lane, Brind, RDX11/A and RDX11/B as indicatively shown on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0065; sheet 5 of 25)
East Riding of Yorkshire Council	Temporary access from any point within the order limits on Wood Lane, Brind, RDX12/A and RDX12/B as indicatively shown on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0065; sheet 5 of 25)
East Riding of Yorkshire Council	Temporary access from any point within the order limits on the A614 Holme Road, RDX13/A and RDX13/B as indicatively shown on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0067; sheet 7 of 25)
East Riding of Yorkshire Council	Temporary access from any point within the order limits on Bursea Lane, RDX14/A and RDX14/B as indicatively shown on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0068; sheet 8 of 25)
East Riding of Yorkshire Council	Temporary access from any point within the order limits on Drain Lane, RDX15/A and RDX15/B as indicatively shown on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0068; sheet 8 of 25)
East Riding of Yorkshire Council	Temporary access from any point within the order limits on Skiff Lane, RDX16/A and RDX16/B as indicatively shown on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0069; sheet 9 of 25)
East Riding of Yorkshire Council	Temporary access from Skiff Lane, RDX16/D as depicted on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0069; sheet 9 of 25)
East Riding of Yorkshire Council	Temporary access from any point within the order limits on Lock Lane, RDX17/A and RDX17/B as indicatively shown on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0069; sheet 9 of 25)
East Riding of Yorkshire Council	Temporary access from any point within the order limits on Sand Lane, RDX18/A and RDX18/B as indicatively shown on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0070; sheet 10 of 25)
East Riding of Yorkshire Council	Temporary access from any point within the order limits on Cliffe Road, RDX19/A and RDX19/B as indicatively shown on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0071; sheet 11 of 25)
East Riding of Yorkshire Council	Temporary access from any point within the order limits on the A1034, Sancton Road, Market Weighton, RDX20/A and RDX20/B as indicatively shown on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0072; sheet 12 of 25)
East Riding of Yorkshire Council	Temporary access from any point within the order limits on the A1079 Arras Hill, Market Weighton, RDX21/A and RDX21/B as indicatively shown on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0072; sheet 12 of 25)
East Riding of Yorkshire Council	Temporary access from any point within the order limits on Kiplingcoates Lane, Market Weighton, RDX22/A and RDX22/B as indicatively shown on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0073; sheet 13 of 25)

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Access details</i>
East Riding of Yorkshire Council	Temporary access from any point within the order limits on Kiplingcoates Road, Market Weighton, RDX23/A and RDX23/B as indicatively shown on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0074; sheet 14 of 25)
East Riding of Yorkshire Council	Temporary access from any point within the order limits on Kiplingcoates Racecourse Road, Etton, RDX24/A and RDX24/B as indicatively shown on the access, rights of way and temporary stopping up plans; (drawing number 10-2574-GND-01-05-0074; sheet 14 of 25)
East Riding of Yorkshire Council	Temporary access from any point within the order limits on Park Road, South Dalton, RDX25/A and RDX25/B as indicatively shown on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0074; sheet 14 of 25)
East Riding of Yorkshire Council	Temporary access from any point within the order limits on Holme Wold Road, South Dalton, RDX26/A and RDX26/B as indicatively shown on access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0075; sheet 15 of 25)
East Riding of Yorkshire Council	Temporary access from any point within the order limits on Lund Wold Road, South Dalton, RDX27/A and RDX27/B as indicatively shown on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0076; sheet 16 of 25)
East Riding of Yorkshire Council	Temporary access from any point within the order limits on Middleton Road, Lund, RDX28/A and RDX28/B as indicatively shown on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0076; sheet 16 of 25)
East Riding of Yorkshire Council	Temporary access from any point within the order limits on the B1248, Lund Road, Middleton on the Wolds, RDX29/A and RDX29/B as indicatively shown on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0076; sheet 16 of 25)
East Riding of Yorkshire Council	Temporary access from any point within the order limits on Middleton Road, Kilnwick, RDX30/A and RDX30/B as indicatively shown on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0077; sheet 17 of 25)
East Riding of Yorkshire Council	Temporary access from any point within the order limits on Road between Bracken Lane and Burnbutts Lane, Watton, RDX31/A and RDX31/B as indicatively shown on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0077; sheet 17 of 25)
East Riding of Yorkshire Council	Temporary access from any point within the order limits on Burnbutts Lane, Hutton Cranswick, RDX32/A and RDX32/B as indicatively shown on the access, rights of way and Temporary Stopping Up Plan drawing number 10-2574-GND-01-05-0077; sheet 17 of 25)
East Riding of Yorkshire Council	Temporary access from any point within the order limits on Southburn Road, Hutton Cranswick, RDX33/A and RDX33/B as indicatively shown on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0079; sheet 19 of 25)
East Riding of Yorkshire Council	Temporary access from any point within the order limits on the A164 Beverley Road, Hutton Cranswick, RDX34/A and RDX34/B as indicatively shown on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0079; sheet 19 of 25)

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Access details</i>
East Riding of Yorkshire Council	Temporary access from any point within the order limits on Jenkinson Lane, Hutton Cranswick, RDX35/A and RDX35/B as indicatively shown on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0079; sheet 19 of 25)
East Riding of Yorkshire Council	Temporary access from any point within the order limits on Ricklepits, Skerne, RDX36/A and RDX36/B as indicatively shown on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0079; sheet 19 of 25)
East Riding of Yorkshire Council	Temporary access from any point within the order limits on the B1249 , Frodingham Road RDX37/A as indicatively shown on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0081; sheet 21 of 25)
East Riding of Yorkshire Council	Temporary access from Road to Skerne (Main Street), RDX37/B as indicatively shown on access, rights of way and temporary stopping up plans drawing number 10-2574-GND-01-05-0081; sheet 21 of 25)
East Riding of Yorkshire Council	Temporary access from B1249, Frodingham Road RDX37/C as indicatively shown on access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0081; sheet 21 of 25)
East Riding of Yorkshire Council	Temporary access from any point within the order limits on Main Street, Great Kelk RDX38/A and RDX38/B as indicatively shown on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0082; sheet 22 of 25)
East Riding of Yorkshire Council	Temporary access from any point within the order limits on Gransmoor Road, Gransmoor, RDX39/A and RDX39/B as indicatively shown on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0083; sheet 23 of 25)
East Riding of Yorkshire Council	Temporary access from any point within the order limits on the A165, Bridlington Road, Barmston, RDX40/A and RDX40/B as indicatively shown on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0084; sheet 24 of 25)
East Riding of Yorkshire Council	Temporary access from the A614, Driffield as indicatively shown on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0079; sheet 19 of 25)

PART 2

PERMANENT ACCESS

Refer to access rights of way and temporary stopping up plan, drawing number 10-2574-GND-01-05-0061 to 0085

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Access details</i>
North Yorkshire County Council, Selby District Council	Permanent access from the A645 / Wade House Lane, RDX6&7/C as depicted on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0062; sheet 2 of 25)
East Riding of Yorkshire Council	Permanent access from Skiff Lane, RDX16/C as depicted on the access rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0069; sheet 9 of 25)
East Riding of Yorkshire	Permanent access from Lund Wold Road, South Dalton, RDX27/C

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Access details</i>
Council	as depicted on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0075; sheet 15 of 25)
East Riding of Yorkshire Council	Permanent access from Main Street, Skerne, RDX36/C as depicted on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0080; sheet 20 of 25)
East Riding of Yorkshire Council	Permanent access from A165 Bridlington Road / Sands Road, Barmston RDX40/C as depicted on the access, rights of way and temporary stopping up plans (drawing number 10-2574-GND-01-05-0085; sheet 25 of 25)

SCHEDULE 8

Article 40

RECORD OF THE SATISFACTION OF THE SECRETARY OF STATE PURSUANT TO SECTION 132 OF THE 2008 ACT

The Secretary of State in exercise of his powers under subsection 132(2) of the 2008 Act hereby records that he is satisfied that subsections 132(3) and 132(4B) of that Act apply to the open space land described in this Schedule (by reference to the corresponding plot numbers in the book of reference) because either—

- (a) that land, when burdened with the rights authorised to be compulsorily acquired under this Order, will be no less advantageous than it was before to the persons in whom it is vested, other persons, if any, entitled to rights of common or other rights, and the public; or
- (b) that land forms part of an open space, none of it is of any of the other descriptions in subsection 132(1) and order rights are being acquired for a temporary (although possibly long-lived) purpose.

<i>(1)</i> Plot number	<i>(2)</i> Description of plot
Plot 1102	1,712.78 square metres or thereabouts of agricultural land situated to the West of the River Hull at Wansford shown on sheets 20 and 21 of the land plans
Plot 1106	1,429.88 square metres or thereabouts of land forming part of the riverbed and banks of the River Hull at Wansford shown on sheets 20 and 21 of the land plans
Plot 1277	3,397.66 square metres or thereabouts of land forming part of the beach known as Barmston Sands, Barmston shown on sheet 25 of the land plans
Plot 1280	23,649 square metres or thereabouts of land forming part of the beach known as Barmston Sands, Barmston shown on sheet 25 of the land plans

SCHEDULE 9

Article 28

LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Plot number of land shown on land plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Relevant part of the authorised development</i>
North Yorkshire County Council; Selby District Council	Plot 1 Plot 60 Plot 124 Plot 2 Plot 61 Plot 125 Plot 4 Plot 62 Plot 128 Plot 5 Plot 63 Plot 129 Plot 8 Plot 64 Plot 132 Plot 10 Plot 65 Plot 133 Plot 11 Plot 70 Plot 136 Plot 12 Plot 72 Plot 140 Plot 13 Plot 76 Plot 141 Plot 14 Plot 79 Plot 144 Plot 17 Plot 80 Plot 145 Plot 22 Plot 83 Plot 148 Plot 23 Plot 88 Plot 150 Plot 24 Plot 89 Plot 151 Plot 30 Plot 90 Plot 153 Plot 31 Plot 92 Plot 155 Plot 33 Plot 94 Plot 157 Plot 34 Plot 96 Plot 159 Plot 35 Plot 100Plot 163 Plot 39 Plot 101Plot 164 Plot 42 Plot 102Plot 167 Plot 45 Plot 105Plot 170 Plot 46 Plot 106Plot 173 Plot 49 Plot 109Plot 174 Plot 50 Plot 114Plot 179 Plot 52 Plot 117Plot 180 Plot 53 Plot 120Plot 184 Plot 56 Plot 121Plot 185 Plot 57 Plot 187 Plot 58 Plot 188	Construction and carrying out of the authorised development	Work No. 2A Work No. 3A Work No. 3B Work No. 3C Work No. 3D Work No. 3E Work No. 3F Work No. 3G Work No. 4C Work No. 4D Work No. 5A Work No. 5B Work No. 5C
North Yorkshire County Council; Selby District Council	Plot 4 Plot 76	Temporary construction compounds, stores and office areas for the construction and carrying out of the authorised development	Work No. 2A Work No. 4D
North Yorkshire County Council; Selby District Council	Plot 7 Plot 73 Plot 135 Plot 9 Plot 74 Plot 137 Plot 16 Plot 77 Plot 139 Plot 19 Plot 81 Plot 142 Plot 20 Plot 82 Plot 146 Plot 25 Plot 97 Plot 147 Plot 26 Plot 99 Plot 156 Plot 27 Plot 103Plot 160 Plot 29 Plot 107Plot 162	Construction and carrying out of the drainage works	The drainage works (which has the meaning given in article 2 (<i>interpretation</i>))

<i>(1)</i> Area	<i>(2)</i> Plot number of land shown on land plans	<i>(3)</i> Purpose for which temporary possession may be taken	<i>(4)</i> Relevant part of the authorised development
	Plot 36 Plot 110Plot 168 Plot 37 Plot 111Plot 169 Plot 40 Plot 112Plot 171 Plot 41 Plot 115Plot 175 Plot 43 Plot 116Plot 176 Plot 47 Plot 119Plot 177 Plot 55 Plot 123Plot 178 Plot 66 Plot 127Plot 183 Plot 68 Plot 131 Plot 69 Plot 134		
East Riding of Yorkshire Council	Plot 190Plot 580Plot 904 Plot 191Plot 582Plot 908 Plot 192Plot 584Plot 912 Plot 194Plot 585Plot 913 Plot 196Plot 587Plot 914 Plot 197Plot 588Plot 915 Plot 199Plot 589Plot 916 Plot 201Plot 592Plot 921 Plot 203Plot 593Plot 925 Plot 205Plot 597Plot 930 Plot 207Plot 598Plot 931 Plot 209Plot 599Plot 932 Plot 211Plot 602Plot 935 Plot 213Plot 603Plot 936 Plot 214Plot 605Plot 938 Plot 217Plot 610Plot 939 Plot 219Plot 611Plot 943 Plot 220Plot 612Plot 944 Plot 221Plot 613Plot 948 Plot 222Plot 616Plot 949 Plot 223Plot 617Plot 953 Plot 224Plot 619Plot 954 Plot 225Plot 620Plot 955 Plot 227Plot 622Plot 959 Plot 228Plot 623Plot 960 Plot 231Plot 624Plot 961 Plot 234Plot 629Plot 964 Plot 237Plot 633Plot 965 Plot 238Plot 634Plot 966 Plot 241Plot 636Plot 970 Plot 242Plot 638Plot 971 Plot 244Plot 639Plot 972 Plot 247Plot 641Plot 973 Plot 249Plot 642Plot 977 Plot 253Plot 644Plot 980	Construction and carrying out of the authorised development	Work No. 5C Work No. 5D Work No. 5E Work No. 5F Work No. 5G Work No. 5H Work No. 5I Work No. 5J Work No. 6C Work No. 6D Work No. 7 Work No. 8A Work No. 8B Work No. 8C Work No. 8D Work No. 8E Work No. 8F Work No. 8G Work No. 8H Work No. 8I Work No. 8J Work No. 8K Work No. 8L Work No. 9A Work No. 9B Work No. 9C Work No. 9D Work No. 10A Work No. 10B Work No. 10C Work No. 10D Work No. 10E Work No. 10F Work No. 10G Work No. 10H
East Riding of Yorkshire Council	Plot 254Plot 645Plot 983 Plot 257Plot 647Plot 984 Plot 261Plot 648Plot 986 Plot 262Plot 649Plot 988 Plot 264Plot 651Plot 989 Plot 266Plot 653Plot 992 Plot 269Plot 657Plot 993		Work No. 10I Work No. 10J Work No. 10K Work No. 11C Work No. 11D Work No. 12 Work No. 13A

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Plot number of land shown on land plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Relevant part of the authorised development</i>
	Plot 270Plot 662Plot 995 Plot 663 Plot 275Plot 664Plot 996 Plot 276Plot 668Plot 999 Plot 280Plot 669Plot 1000 Plot 281Plot 675Plot 1002 Plot 284Plot 676Plot 1003 Plot 285Plot 679Plot 1004 Plot 289Plot 682Plot 1005 Plot 290Plot 684Plot 1007 Plot 293Plot 688Plot 1008 Plot 295Plot 689Plot 1009 Plot 298Plot 692Plot 1010 Plot 302Plot 696Plot 1011 Plot 303Plot 700Plot 1016 Plot 308Plot 701Plot 1020 Plot 309Plot 702Plot 1021 Plot 310Plot 706Plot 1024 Plot 318Plot 707Plot 1026 Plot 321Plot 710Plot 1027 Plot 324Plot 712Plot 1030 Plot 325Plot 713Plot 1031 Plot 329Plot 714Plot 1032 Plot 332Plot 715Plot 1037 Plot 333Plot 716Plot 1038 Plot 334Plot 717Plot 1040 Plot 335Plot 718Plot 1041 Plot 338Plot 720Plot 1042 Plot 339Plot 721Plot 1043 Plot 341Plot 723Plot 1047 Plot 343Plot 724Plot 1048 Plot 345Plot 726Plot 1050 Plot 347Plot 727Plot 1051 Plot 348Plot 728Plot 1052 Plot 351Plot 729Plot 1055 Plot 353Plot 730Plot 1057 Plot 354Plot 732Plot 1058 Plot 357Plot 734Plot 1059 Plot 359Plot 736Plot 1060 Plot 360Plot 737Plot 1062 Plot 362Plot 738Plot 1063 Plot 363Plot 739Plot 1064 Plot 364Plot 742Plot 1067 Plot 365Plot 743Plot 1068 Plot 369Plot 744Plot 1069 Plot 370Plot 746Plot 1075 Plot 373Plot 747Plot 1076 Plot 374Plot 749Plot 1077 Plot 376Plot 750Plot 1078 Plot 378Plot 752Plot 1079 Plot 379Plot 753Plot 1080		Work No. 13B Work No. 13C Work No. 13D Work No. 13E Work No. 14B Work No. 14C Work No. 14D Work No. 15B
East Riding of	Plot 381Plot 754Plot 1081		

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Plot number of land shown on land plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Relevant part of the authorised development</i>
Yorkshire Council	Plot 382Plot 755Plot 1082 Plot 385Plot 757Plot 1084 Plot 386Plot 759Plot 1085 Plot 390Plot 760Plot 1086 Plot 391Plot 762Plot 1088 Plot 396Plot 765Plot 1089 Plot 397Plot 769Plot 1091 Plot 405Plot 770Plot 1094 Plot 406Plot 772Plot 1095 Plot 409Plot 773Plot 1096 Plot 413Plot 776Plot 1098 Plot 414Plot 777Plot 1100 Plot 418Plot 778Plot 1104 Plot 419Plot 779Plot 1108 Plot 422Plot 781Plot 1111 Plot 423Plot 782Plot 1112 Plot 426Plot 784Plot 1114 Plot 431Plot 785Plot 1117 Plot 433Plot 787Plot 1119 Plot 434Plot 788Plot 1122 Plot 436Plot 790Plot 1125 Plot 437Plot 791Plot 1128 Plot 439Plot 793Plot 1129 Plot 440Plot 794Plot 1132 Plot 443Plot 796Plot 1133 Plot 445Plot 797Plot 1134 Plot 448Plot 798Plot 1135 Plot 451Plot 799Plot 1139 Plot 452Plot 801Plot 1140 Plot 453Plot 802Plot 1141 Plot 455Plot 804Plot 1142 Plot 458Plot 805Plot 1146 Plot 459Plot 807Plot 1148 Plot 463Plot 808Plot 1150 Plot 464Plot 809Plot 1156 Plot 467Plot 811Plot 1157 Plot 469Plot 812Plot 1159 Plot 470Plot 814Plot 1160 Plot 472Plot 815Plot 1163 Plot 473Plot 816Plot 1164 Plot 476Plot 818Plot 1167 Plot 477Plot 819Plot 1168 Plot 478Plot 821Plot 1172 Plot 479Plot 822Plot 1173 Plot 481Plot 824Plot 1174 Plot 482Plot 825Plot 1176 Plot 484Plot 827Plot 1177 Plot 485Plot 828Plot 1180 Plot 487Plot 829Plot 1181 Plot 488Plot 830Plot 1183 Plot 490Plot 832Plot 1184 Plot 491Plot 833Plot 1185 Plot 494Plot 834Plot 1190		

<i>(1)</i> Area	<i>(2)</i> Plot number of land shown on land plans	<i>(3)</i> Purpose for which temporary possession may be taken	<i>(4)</i> Relevant part of the authorised development
	Plot 499Plot 836Plot 1191 Plot 500Plot 837Plot 1192 Plot 501Plot 839Plot 1196 Plot 503Plot 840Plot 1197 Plot 504Plot 842Plot 1200		
East Riding of Yorkshire Council	Plot 506Plot 843Plot 1201 Plot 507Plot 846Plot 1202 Plot 509Plot 847Plot 1204 Plot 510Plot 848Plot 1205 Plot 511Plot 849Plot 1206 Plot 515Plot 851Plot 1213 Plot 516Plot 852Plot 1214 Plot 517Plot 854Plot 1219 Plot 518Plot 856Plot 1220 Plot 519Plot 857Plot 1224 Plot 520Plot 859Plot 1225 Plot 524Plot 860Plot 1227 Plot 525Plot 862Plot 1228 Plot 526Plot 863Plot 1230 Plot 530Plot 865Plot 1231 Plot 531Plot 866Plot 1233 Plot 534Plot 867Plot 1234 Plot 535Plot 869Plot 1237 Plot 538Plot 870Plot 1238 Plot 539Plot 872Plot 1241 Plot 541Plot 873Plot 1244 Plot 542Plot 874Plot 1245 Plot 543Plot 875Plot 1248 Plot 546Plot 877Plot 1249 Plot 547Plot 879Plot 1250 Plot 550Plot 880Plot 1251 Plot 553Plot 882Plot 1252 Plot 554Plot 883Plot 1256 Plot 558Plot 885Plot 1257 Plot 559Plot 886Plot 1260 Plot 564Plot 888Plot 1261 Plot 565Plot 889Plot 1262 Plot 566Plot 891Plot 1264 Plot 568Plot 892Plot 1266 Plot 572Plot 893Plot 1267 Plot 573Plot 894Plot 1269 Plot 574Plot 896Plot 1272 Plot 575Plot 900Plot 1275 Plot 576Plot 901Plot 1278 Plot 578Plot 902Plot 1279 Plot 579Plot 903Plot 1281 Plot 1282		
East Riding of Yorkshire Council	Plot 572 Plot 592 Plot 593 Plot 847	Temporary construction compounds, stores and office areas for the construction and	Work No. 6D Work No. 7 Work No. 9D Work No. 11D

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Plot number of land shown on land plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Relevant part of the authorised development</i>
	Plot 1059 Plot 1060 Plot 1068 Plot 1261 Plot 1262 Plot 1272	carrying out of the authorised development	Work No. 12 Work No. 14D
East Riding of Yorkshire Council	Plot 204Plot 493Plot 963 Plot 216Plot 495Plot 968 Plot 218Plot 496Plot 969 Plot 229Plot 498Plot 974 Plot 232Plot 505Plot 975 Plot 235Plot 512Plot 976 Plot 239Plot 514Plot 979 Plot 243Plot 521Plot 982 Plot 245Plot 523Plot 987 Plot 251Plot 527Plot 991 Plot 252Plot 529Plot 998 Plot 258Plot 532Plot 1006 Plot 260Plot 536Plot 1012 Plot 265Plot 540Plot 1014 Plot 268Plot 544Plot 1015 Plot 271Plot 548Plot 1018 Plot 272Plot 549Plot 1019 Plot 274Plot 552Plot 1023 Plot 277Plot 555Plot 1029 Plot 279Plot 557Plot 1034 Plot 283Plot 560Plot 1035 Plot 286Plot 561Plot 1036 Plot 288Plot 563Plot 1044 Plot 292Plot 567Plot 1045 Plot 297Plot 590Plot 1053 Plot 299Plot 591Plot 1054 Plot 301Plot 595Plot 1065 Plot 304Plot 596Plot 1070 Plot 305Plot 601Plot 1092 Plot 307Plot 606Plot 1093 Plot 311Plot 607Plot 1099 Plot 312Plot 608Plot 1101 Plot 313Plot 609Plot 1103 Plot 314Plot 614Plot 1105 Plot 316Plot 625Plot 1107 Plot 317Plot 626Plot 1109 Plot 319Plot 628Plot 1116 Plot 323Plot 630Plot 1118 Plot 326Plot 631Plot 1121 Plot 327Plot 632Plot 1123 Plot 331Plot 635Plot 1126 Plot 336Plot 646Plot 1130 Plot 349Plot 652Plot 1136 Plot 350Plot 654Plot 1138 Plot 355Plot 656Plot 1143 Plot 356Plot 658Plot 1144 Plot 361Plot 659Plot 1145	Construction and carrying out of the drainage works	The drainage works (which has the meaning given in article 2 (interpretation)

<i>(1)</i> Area	<i>(2)</i> Plot number of land shown on land plans	<i>(3)</i> Purpose for which temporary possession may be taken	<i>(4)</i> Relevant part of the authorised development
	Plot 366Plot 660Plot 1147 Plot 367Plot 661Plot 1149 Plot 372Plot 666Plot 1151 Plot 375Plot 667Plot 1152 Plot 383Plot 671Plot 1154 Plot 387Plot 672Plot 1155 Plot 389Plot 673Plot 1162 Plot 392Plot 674Plot 1166 Plot 393Plot 678Plot 1169 Plot 395Plot 680Plot 1170 Plot 398Plot 681Plot 1171 Plot 399Plot 685Plot 1178		
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DEEMED MARINE LICENCE UNDER PART 4 (MARINE LICENSING) OF THE MARINE AND COASTAL ACCESS ACT 2009

PART 1

INTERPRETATION AND DETAILS OF LICENSED MARINE ACTIVITIES

Interpretation

1.—(1) In this Schedule—

“the 2009 Act” means the Marine and Coastal Access Act 2009;

“authorised deposits” means the substances and articles specified in sub-paragraph 2(4) of Part I of this Schedule;

“Cefas” means the Centre for Environment, Fisheries and Aquaculture Science or any replacement body or successor to its functions;

“commence” means beginning to carry out any material operation (as defined in section 56(4) of the 1990 Act) other than operations consisting of archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions and “commencement” is to be construed accordingly;

“enforcement officer” means a marine enforcement officer within the meaning of section 235 of the 2009 Act;

“English Heritage” means the Historic Buildings and Monuments Commission for England or any successor to its statutory functions;

“the English inshore region” has the same meaning as that given in section 322 (*interpretation*) of the 2009 Act;

“the Environment Agency” means the body established under the Environment Act 1995(a) or any successor to its statutory functions;

“the environmental statement” means the document(s) certified as the environmental statement by the Secretary of State for the purposes of the Order together with any supplemental or additional environmental statement submitted for the purposes of complying with and/or discharging the Requirements in Schedule 3 (*requirements*) of the Order or conditions in this licence;

“the Health and Safety Executive” or “HSE” means the body established under section 10 of the Health and Safety at Work etc. Act 1974(b) or any successor to its statutory functions or other authority performing, carrying out or having the same regulatory functions as the HSE has at the date of the Order;

“the intertidal area” means the area between mean high water spring tide and mean low water spring tide;

“the Kingfisher Fortnightly Bulletin” means the bulletin published by the Humber Seafood Institute or such other alternative publication approved in writing by the MMO for the purposes of this Schedule;

“the licence conditions” means the conditions set out in Part 2 of this Schedule;

(a) 1995 c.25.

(b) 1974 c.37; section 10 of the Health and Safety at Work Act is substituted by S.I. 2008/960.

“licensed activity” means a licensable marine activity listed in paragraph 2 of Part 1 of this Schedule;

“licensed location” means the area set out at paragraphs 2(3)(a) and 2(3)(b) of Part 1 of this Schedule;

“licensed works” means any works constructed in the course of a licensed activity;

“maintain” includes inspect, examine, monitor, test, repair, set up, configure, dismantle and/or reconstruct the authorised development and/or replace part or a section of the authorised development with a part or section which materially serves the same purpose and—

(a) does not include maintenance activities which give rise to any materially new or materially different significant environmental effects from those assessed in the environmental statement; and

(b) “maintaining” and “maintenance” must be construed accordingly;

“the Marine Management Organisation” or “the MMO” means the body of that name created under the 2009 Act which is responsible for the monitoring and enforcement of this licence or any successor to its functions;

“the Maritime and Coastguard Agency” or “MCA” means the executive agency of the Department for Transport or any successor to its functions;

“mean high water spring tide” or “MHWS” means the highest level which spring tides reach on average over a period of time;

“mean low water spring tide” or “MLWS” means the lowest level which spring tides reach on average over a period of time;

“Natural England” means the body established by section 1 of the Natural Environment and Rural Communities Act 2006 or any successor to its statutory functions;

“notice to mariners” includes any notice to mariners which may be issued by the Admiralty, Trinity House, Queen's harbourmasters, government departments and harbour and pilotage authorities;

“the Order” means the Yorkshire and Humber (Carbon Capture and Storage Cross Country Pipeline) Order 201[●];

“the project design statement” means the document certified as the project design statement by the Secretary of State for the purposes of the Order;

“regulatory authorities” means any government department, public, local or regulatory or any other authority or institution having regulatory functions, powers, duties and obligations having the full force of law;

“sea” has the same meaning as that given at section 42(3) of the 2009 Act;

“stage” means for the purposes of this Schedule (in no order of construction phasing) either—

(a) those elements of Work No. 5C of Schedule 1 (*authorised development*) of the Order, and any further associated development listed in items (a) to (n) in Schedule 1 in connection with that Work No., which fall within the English inshore region; or

(b) those elements of Work No. 15B of Schedule 1 (*authorised development*) of the Order, and any further associated development listed in items (a) to (n) in Schedule 1 in connection with that Work No., which fall within the English inshore region;

Trinity House” means the Corporation of Trinity House of Deptford Strond;

“the UK Hydrographic Office” means the Hydrographic Office of the Ministry of Defence, Taunton, Somerset TA1 2DN or any replacement body or successor to its functions;

“the undertaker” has the same meaning as that given in article 2 (*interpretation*) of the Order;

“vessel” means every description of vessel, however propelled or moved, and includes a non-displacement craft, a personal watercraft, a barge, a jack up barge, a seaplane on the surface of the water, a hydrofoil vessel, a hovercraft or any other amphibious vehicle and any other thing constructed or adapted for movement through, in, on or over water and which is at the time in, on or over water;

“VHF” means very high frequency; and

“working day” means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday.

(2) Unless otherwise indicated all geographical co-ordinates contained within this licence are in latitude and longitude degrees and minutes to three decimal places and the datum used for such co-ordinates is WGS84.

(3) Except where otherwise notified in writing by the relevant organisation, the primary point of contact with the organisations listed below and the address for returns and correspondence is—

(a) Marine Licensing Team

Marine Management Organisation
Lancaster House
Hampshire Court
Newcastle upon Tyne NE4 7YH
Tel: 0300 123 1032
Email: marine.consents@marinemanagement.org.uk

(b) Northern Marine Area

Marine Management Organisation
Unit 2a
Newchase Court
Hopper Hill Road
Eastfield
Scarborough
North Yorks YO11 3YS
Tel: 01723 580040
Email: scarborough@marinemanagement.org.uk

(c) Trinity House

Tower Hill
London EC3N 4DH
Tel: 020 7481 6900

(d) The United Kingdom Hydrographic Office

Admiralty Way
Taunton
Somerset TA1 2DN
Tel: 01823 337 900

(e) Maritime and Coastguard Agency Navigation Safety Branch

Bay 2/04
Spring Place
105 Commercial Road
Southampton S015 IEG
Tel: 023 8032 9191

(f) Centre of Environment, Fisheries and Aquaculture Science

Pakefield Road
Lowestoft

Suffolk NR33 OHT

Tel: 01502 562 244

(g) The Environment Agency

8 City Walk

Leeds

West Yorkshire LS11 9AT

0370 8506506

(h) Natural England

Foundary House

3 Millsands

Riverside Exchange

Sheffield S3 8NH

Tel: 0845 600 3078

(i) English Heritage

Eastgate Court

195-205 High Street

Guildford GU1 3EH

Details of licensed marine activities

2.—(1) Subject to the licence conditions this licence authorises the undertaker (and any agent or contractor acting on their behalf) to carry out the following licensable marine activities pursuant to section 66(1) of the 2009 Act—

- (a) the deposit at sea of the substances and articles specified in sub-paragraph (5);
- (b) the construction of works in, under or over the intertidal area;
- (c) the inspection and maintenance of works in, under or over the intertidal area;
- (d) the construction of works under the River Ouse;
- (e) the inspection and maintenance of works under the River Ouse; and
- (f) sampling or investigative works required in connection with paragraphs (a) and (e).

(2) The activities set out in sub-paragraph (1) are authorised in relation to the construction and operation of those elements of Work No. 5C and Work No. 15B of Schedule 1 (*authorised development*) of this Order, and any further associated development listed in items (a) to (n) in Schedule 1 in connection with those Work Nos., which fall within the English inshore region.

(3) The undertaker (and any agent, contractor or subcontractor acting on its behalf) may engage in the licensed activities in—

- (a) the area bounded by the coordinates set out in this sub-paragraph; and
- (b) any area within the Order limits (as defined in article 2 (*interpretation*) of this Order) which falls outwith the area bounded by the coordinates set out in this sub-paragraph but which falls below mean high water spring tide when the licensed activities are carried out.

<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
Work No. 15B at the intertidal area	
54° 01.734' N	0° 12.975' W
54° 01.741' N	0° 12.814' W
54° 01.522' N	0° 12.807' W
54° 01.523' N	0° 12.951' W

<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
Work No. 5C at the river Ouse	
53° 44.178' N	0° 57.109' W
53° 44.131' N	0° 56.976' W
53° 44.096' N	0° 57.070' W
53° 44.125' N	0° 57.255' W
53° 44.084' N	0° 56.866' W
53° 44.080' N	0° 56.857' W
53° 44.076' N	0° 56.859' W
53° 44.079' N	0° 56.867' W

(4) For the avoidance of doubt, the licence in this Schedule does not authorise the decommissioning of the licensed works for which a separate marine licence may be required.

(5) The substances or articles authorised for deposit at sea are—

- (a) metal;
- (b) gravel;
- (c) concrete;
- (d) sand;
- (e) bentonite and grout; and
- (f) rock backfill from a recognised source, containing minimum fines.

(6) In the application of section 72 of the 2009 Act to this licence, subsection 72(8) of the 2009 Act does not apply to a transfer made in accordance with article 9 (*transfer of benefit of Order*) of this Order.

PART 2

LICENCE CONDITIONS

Application of licence conditions

1. This Part does not apply to any part of Work No. 5C and Work No. 15B of Schedule 1 (*authorised development*) which falls outside the English inshore region.

Licensed location

2. The licensed works must be located within the licensed location.

Notifications and inspections

3.—(1) The undertaker must ensure that a copy of this Schedule and any subsequent amendments or revisions to it are provided prior to commencement of a stage of the licensed activities to—

- (a) all agents and contractors notified to the MMO in accordance with the licence conditions; and
- (b) the masters and transport managers responsible for the vessels notified to the MMO in accordance with the licence conditions,

who are to be engaged in the carrying out of that stage.

(2) Only those persons and vessels notified to the MMO in accordance with the licence conditions are permitted to carry out the licensed activities.

(3) Copies of this Schedule must also be available for inspection by an enforcement officer at all times during construction of a stage of the licensed works at the following locations—

- (a) the undertaker's registered address;
- (b) any site office for that stage located at or adjacent to the construction site and used by the undertaker or its agents and contractors responsible for the loading, transportation or deposit of the authorised deposits and works; and
- (c) on board each vessel or at the office of any transport manager with responsibility for vessels from which authorised deposits are to be made or authorised works undertaken for that stage.

(4) The undertaker must provide access to the construction site for licensed activities or any other associated works or vessels to facilitate any inspection that the MMO considers necessary to inspect the works during the carrying out of the licensed activities.

(5) The undertaker must inform the MMO in writing of the commencement of a stage of the licensed activities at least five working days in advance of that stage.

(6) At least seven days prior to the commencement of a stage of the licensed activities the undertaker must publish in the Kingfisher Fortnightly Bulletin details of the vessel routes, timings and locations relating to the carrying out of that stage.

(7) The undertaker must ensure that—

- (a) a notice to mariners is issued at least ten days prior to the commencement of a stage of the licensed activities advising of the commencement of that stage within the licensed location; and
- (b) a second notice to mariners is issued advising of the commencement of a stage of the licensed activities within the licensed location.

(8) The notices to mariners must be updated and reissued not less frequently than weekly during construction of a stage of the licensed works.

(9) The undertaker must notify—

- (a) the UK Hydrographic Office within ten days of the completion of a stage of the licensed works in order that all necessary amendments to nautical charts are made;
- (b) the MMO of completion of a stage of the licensed works within ten days of completion of those works; and
- (c) the MMO of any marking of the route of a stage of the licensed works (if any) within ten days of completion of that stage.

(10) The undertaker must ensure that prior to the commencement of a stage of the licensed activities the following suitably qualified and experienced liaison officers are appointed for that stage and their identity and credentials notified to the MMO as part of the project environmental management plan required by paragraph 5(1)(c) (*pre-construction plans and documentation*) for that stage—

- (a) a Fisheries Liaison Officer or Officers; and
- (b) an Environmental Liaison Officer or Officers.

(11) The responsibilities of the Fisheries and Environmental Liaison Officer(s) must be provided to the MMO no later than twelve weeks prior to the commencement of a stage of the licensed activities for comment.

Chemicals, drilling and debris

4.—(1) All chemicals used in the construction of the licensed works, including any chemical agents placed within the void comprised in the construction of Work No. 5C and Work No. 15B, must be selected from the List of Notified Chemicals approved for use by the offshore oil and gas industry under the Offshore Chemicals Regulations 2002(a) unless otherwise agreed in writing by the MMO.

(2) The undertaker must ensure that any coatings and/or treatments are suitable for use in the marine environment and are used in accordance with relevant Pollution Prevention Guidelines issued by the Environment Agency and/or relevant guidelines issued by the Health and Safety Executive; and any accidental spillages of such coatings and/or treatments in the marine environment must be reported to the MMO marine pollution response team within six hours of such spillage.

(3) The storage, handling, transport and use of fuels, lubricants, chemicals and other substances must be undertaken so as to prevent releases into the marine environment including bunding of 110% of the total volume of all reservoirs and containers.

(4) Where drilling works are proposed as the trenchless crossing technique for the purposes of a licensed activity, and any system other than water-based mud is proposed for such drilling works, the MMO's written approval in relation to the proposed disposal of any arisings from such drilling works must be obtained prior to the commencement of such drilling works; and if the disposal of the arisings at sea does not fall within the scope of the environmental statement a separate marine licence for such drilling is required.

(5) The undertaker must ensure that any—

- (a) waste and/or debris arising from construction of a stage of the licensed activities;
- (b) equipment used for the purposes of carrying out a stage of the licensed activities; and
- (c) works placed below MHWS temporarily for the purposes of carrying out a stage of the licensed activities,

are removed within four weeks of completion of that stage.

Pre-construction plans and documentation

5.—(1) At least four months prior to the commencement of a stage of the licensed activities (unless such longer period is agreed in writing by the MMO) the undertaker must submit for the approval of the MMO—

- (a) a construction and monitoring programme to include details of—
 - (i) the proposed construction start date for the licensed works comprised in that stage;
 - (ii) timings for mobilisation of plant, delivery of materials and installation works for that stage; and
 - (iii) the methodologies for, and timings for preparing and submitting, survey specifications, data collection and analysis for that stage to the MMO in accordance with paragraphs 8 (*pre-construction baseline*) to 10 (*post construction*),
and where compliance with a construction and monitoring programme agreed under this paragraph (a) is not possible, the undertaker must notify the MMO in writing and submit a revised programme for approval; and, in circumstances where the revised programme affects other plans or documents agreed by the MMO under this paragraph, the MMO may require construction works to cease until it has approved the revised programme;
- (b) a construction method statement for that stage which is in accordance with the project design statement and environmental statement and which includes (where relevant to that stage) details of—
 - (i) reception pit construction;
 - (ii) trenchless crossing method(s);
 - (iii) pipeline installation;
 - (iv) works associated with sub-paragraphs (b)(i), (b)(ii) and (b)(iii) above;
 - (v) contractors; and
 - (vi) vessels.
- (c) a project environmental management plan for that stage to include details of—
 - (i) a marine pollution contingency plan to address the risks, methods and procedures to deal with any spills and collision incidents during construction and operation of that stage of the licensed works in relation to all licensed activities carried out between mean low water springs and mean high water springs in that stage;
 - (ii) a chemical risk analysis to include information regarding how and when chemicals are to be used, stored and transported in that stage;
 - (iii) waste management and disposal arrangements for that stage;
 - (iv) the appointment and responsibilities of any officers required in connection with the carrying out of that stage of the licensed activities; and
 - (v) locations of any archaeological exclusion zones for that stage agreed as part of a written scheme of investigation approved under sub-paragraph (e);
- (d) a written scheme of archaeological investigation for that stage to include—
 - (i) details of responsibilities of the undertaker, archaeological consultant and contractor for that stage;
 - (ii) a methodology for any site investigation for that stage including any specifications for geophysical and geotechnical;
 - (iii) analysis and reporting of survey data for that stage to be submitted to the MMO within three months of survey completion and to be agreed in writing with the MMO following consultation with English Heritage;
 - (iv) delivery of any mitigation for that stage including, where necessary, archaeological exclusion zones;
 - (v) monitoring during and post construction of that stage, including a conservation programme for finds;
 - (vi) archiving of archaeological material for that stage with a public archive in accordance with the Online Access to the Index of archaeological investigations (OASIS) system; and

- (vii) a reporting and recording protocol for that stage, including reporting of any wreck or wreck material during construction, operation and decommissioning of the authorised development.

(2) No stage of a licensed activity is to commence until the relevant programme, statement, plan, protocol or scheme required to be approved for that stage under sub-paragraph (1) has been submitted to and approved in writing by the MMO; and a stage of a licensed activity must be carried out in accordance with the plans, protocols, statements, schemes and details approved in relation to it under sub-paragraph (1), unless otherwise agreed in writing by the MMO.

(3) A construction compound comprised in an area in which either Work No. 5C or Work No. 15B of Schedule 1 (*authorised development*) of this Order are to be carried out and which is to be located within the intertidal area may not be established until a statement specifying—

- (a) the materials to be stored in that construction compound;
- (b) proposed arrangements for the management of stored materials in that construction compound; and
- (c) the distance between the stored materials in that construction compound and the relevant water body in the area to which the relevant Work No. relates,

has been submitted to and approved in writing by the MMO; and the undertaker must comply with that statement whilst that construction compound remains established, unless otherwise agreed in writing by the MMO, and in this sub-paragraph “construction compound” means the temporary compounds needed to store equipment, materials and site accommodation during the construction of the authorised development.

(4) Works comprised in Work No. 15B of Schedule 1 (*authorised development*) of the Order (insofar as they are within the licensed location) must not be commenced until a detailed piling method statement (which shall include details of the construction and removal of a cofferdam (if proposed) and whether, and if so how, any cofferdam sheet piles are to be left in place after construction) for those works has been submitted to and approved by the MMO.

(5) The cofferdam comprised in Work No. 15B must not be commenced until a method statement for the monitoring and management of sediment arising from use of the cofferdam has been submitted to and approved in writing by the MMO.

(6) Hydrostatic testing activities in the River Ouse the undertaker must not be carried out until details of any pipe to be placed temporarily in the River Ouse for purposes connected with those hydrostatic testing activities have been submitted to and approved in writing by the MMO.

Reporting of engaged agents, contractors and vessels

6.—(1) The undertaker must provide to the MMO—

- (a) the name and function of any agent or contractor appointed to engage in a stage of the licensed activity at least five working days before that agent or contractor engages in that stage; and
- (b) a listing of the vessels currently and to be used in relation to the a stage of the licensed activities each week during the carrying out of that stage.

(2) Any changes to the details supplied to the MMO under this paragraph must be notified to and agreed with the MMO in writing prior to the agent, contractor or vessel in question engaging in a stage of the licensed activities.

Equipment and operation of vessels engaged in licensed activities

7.—(1) All vessels employed to perform the licensed activities must be constructed and equipped to be capable of the proper performance of such activities in accordance with the licence conditions and must comply with sub-paragraphs (2) and (3).

(2) Subject to sub-paragraph (3) all motor powered vessels must be fitted with—

- (a) electronic positioning aid to provide navigational data;

- (b) radar;
- (c) echo sounder; and
- (d) multi-channel VHF.

(3) No vessel is to engage in the licensed activities unless all the equipment specified in sub-paragraph (2) is fully operational.

Pre-construction baseline

8.—(1) Any pre-construction baseline report for a stage of the licensed activities must take account of any existing environmental data, assessments and reports prepared by or on behalf of the undertaker and relevant to the relevant part of the licensed location for that stage.

(2) A stage of the licensed activities may not commence until a pre-construction baseline report for that stage has been submitted to and approved in writing by the MMO; and the form and content of a report, including any environmental monitoring, must be agreed in writing by the MMO.

(3) A pre-construction baseline report in respect of the area to which works comprised in Work No. 15B of Schedule 1 (*authorised development*) of the Order (insofar as they are within the licensed location) relate must include—

- (a) a Phase I survey of the intertidal area;
- (b) data concerning existing marine fish and shellfish populations and marine spawning activity within five kilometres of that part of the licensed location comprising the intertidal area;
- (c) data concerning existing marine ornithological activity within five kilometres of that part of the licensed location comprising the intertidal area; and
- (d) a desk based assessment of known and predicted archaeology and paleo-archaeological deposits.

(4) In the event that a pre-construction baseline report for a stage of the licensed activities contains sufficient information regarding the effects of that stage on individual matters listed at sub-paragraphs (3)(a) to (3)(d) the stage may be commenced (subject to any ongoing monitoring requirements notified by the MMO to the undertaker in writing).

Construction monitoring

9. During construction of a stage of the licensed works the undertaker must submit environmental monitoring reports to the MMO in accordance with the construction and monitoring programme approved for that stage under paragraph 5(1)(a) (*pre-construction plans and documentation*) which must include (where relevant to that stage)—

- (a) the monitoring of suspended sediment concentrations in seawater within the jetting area for that stage and at a suitable reference site, should jetting be used for pipeline installation in that stage;
- (b) measurements of noise and vibration generated by the installation of any piled pits and trenchless crossing in that stage.

Post construction

10.—(1) Following construction of a stage of the licensed works the undertaker must submit environmental monitoring reports to the MMO in accordance with the construction and monitoring timetable approved under 5(1)(a) (*pre-construction plans and documentation*).

(2) As built drawings of a stage of the licensed works must be submitted to the MMO no later than 56 days after completion of construction of that stage.

Aids to navigation

11.—(1) The undertaker must during the whole period of the construction, operation, alteration, replacement or decommissioning of the licensed works exhibit such lights, marks, sounds, signals and other aids to navigation, and take such other steps for the prevention of danger to navigation, as directed by Trinity House from time to time.

(2) The undertaker must submit reports quarterly to Trinity House detailing the working condition of aids to navigation. Reports may be submitted more frequently as specified by Trinity House.

(3) The undertaker must notify Trinity House and the MMO of any failure of the aids to navigation including timescales and plans for remedying such failures, as soon as possible and no later than 24 hours following the undertaker becoming aware of any such failure.

Amendments to approved details

12. With respect to any condition of this Schedule which requires the licensed activities to be carried out in accordance with plans, programmes and reports approved by the MMO, the approved plans, programmes and reports include any amendments that may subsequently be approved in writing by the MMO to the extent that the MMO may lawfully do so.

PROTECTIVE PROVISIONS

PART 1

FOR THE PROTECTION OF ELECTRICITY, GAS, WATER AND SEWERAGE
UNDERTAKERS**Application**

1. For the protection of the undertakers referred to in this Part of this Schedule the following provisions, unless otherwise agreed in writing at any time between the promoter and the undertaker concerned, have effect.

Interpretation

2. In this Part of this Schedule—

“alternative apparatus” means alternative apparatus adequate to enable the undertaker in question to fulfil its statutory functions in a manner not less efficient than previously;

“apparatus” means—

- (a) in the case of an electricity undertaker, electric lines or electrical plant (as defined in the Electricity Act 1989^(a)), belonging to or maintained by that electricity undertaker for the purposes of electricity supply;
- (b) in the case of a gas undertaker, any mains, pipes or other apparatus belonging to or maintained by that gas transporter for the purposes of gas supply;
- (c) in the case of a water undertaker, mains, pipes or other apparatus belonging to or maintained by that water undertaker for the purposes of water supply; and
- (d) in the case of a sewerage undertaker—
 - (i) any drain or works vested in the undertaker under the Water Industry Act 1991^(b) and Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011^(c); and
 - (ii) any sewer which is so vested or is the subject of a notice of intention to adopt given under section 102(4) of that Act or an agreement to adopt made under section 104 of that Act,
 - (iii) and in each case includes a sludge main, disposal main (within the meaning of section 219 of that Act) or sewer outfall and any manholes, ventilating shafts, pumps or other accessories forming part of any such sewer, drain or works,
 - (iv) and includes any structure in which apparatus is or is to be lodged or which gives or will give access to apparatus;

“commence” has the same meaning as in paragraph 1 of Schedule 3 (*requirements*);

“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;

(a) 1989 c. 29.
(b) 1991 c. 56.
(c) S.I. 2011/1566.

“pipeline” means the whole or any part of a pipeline belonging to or maintained by an undertaker and includes any ancillary works and apparatus;

“plan” includes a section and description of the works to be executed;

“promoter” means the undertaker as defined in article 2 (*interpretation*) of this Order;

“undertaker” means—

- (a) any licence holder within the meaning of Part 1 of the Electricity Act 1989;
- (b) a gas transporter within the meaning of Part 1 of the Gas Act 1986(a);
- (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,
- (e) for the area of the authorised development, and in relation to any apparatus, means the undertaker to whom it belongs or by whom it is maintained.

On-street apparatus

3. This Part of this Schedule does not apply to apparatus in respect of which the relations between the promoter and the undertaker are regulated by the provisions of Part 3 of the 1991 Act.

Acquisition of apparatus

4. Regardless of any provision in this Order or anything shown on the land plans, the promoter must not acquire any apparatus otherwise than by agreement.

Removal of apparatus

5.—(1) If, in the exercise of the powers conferred by this Order, the promoter 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 an 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 undertaker in question.

(2) If, for the purpose of executing any works in, on or under any land purchased, held, appropriated or used under this Order, the promoter requires the removal of any apparatus placed in that land, it must give the undertaker in question written notice of that requirement, together with a plan 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 undertaker in question must, on receipt of a written notice to that effect from the promoter, as soon as reasonably possible use its best endeavours to obtain the necessary facilities and rights in other land in which the alternative apparatus is to be constructed.

(4) The undertaker in question must, after the alternative apparatus to be provided or constructed has been agreed or settled by arbitration in accordance with article 51 (*arbitration*), and after the grant to the 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 promoter to be removed under the provisions of this Part of this Schedule.

(5) Regardless of anything in sub-paragraph (4), if the promoter gives notice in writing to the undertaker in question that it desires itself to execute any work, or part of any work in connection with the construction or removal of apparatus, that work, instead of being executed by the undertaker, must be executed by the promoter without unnecessary delay under the superintendence, if given, and to the reasonable satisfaction of the undertaker.

(a) 1986 c.44.

Retained apparatus: protection

6.—(1) Not less than 28 days before starting the execution of any works of the type referred to in sub-paragraph 5(2) that are near to, or will or may affect, any apparatus the removal of which has not been required by the promoter under sub-paragraph 5(2), the promoter must submit to the undertaker in question a plan of the works to be executed.

(2) Those works are to be executed only in accordance with the plan submitted under sub-paragraph (1) and in accordance with such reasonable requirements as may be made in accordance with sub-paragraph (3) by the undertaker for the alteration or otherwise for the protection of the apparatus, or for securing access to it; and the undertaker is entitled to watch and inspect the execution of those works.

(3) Any requirements made by an undertaker under sub-paragraph (2) must be made within a period of 21 days beginning with the date on which a plan under sub-paragraph (1) is submitted to it.

(4) If an undertaker in accordance with sub-paragraph (2) and in consequence of the works proposed by the promoter, reasonably requires the removal of any apparatus and gives written notice to the promoter of that requirement, paragraphs 1 to 5 apply as if the removal of the apparatus had been required by the promoter under sub-paragraph 5(2).

(5) Nothing in this paragraph precludes the promoter from submitting at any time or from time to time, but in no case less than 28 days before commencing the execution of any works, a new plan, instead of the plan previously submitted, and having done so the provisions of this paragraph apply to and in respect of the new plan.

(6) The promoter is not required to comply with sub-paragraph (1) in a case of emergency but in that case it must give to the undertaker in question notice as soon as is reasonably practicable and a plan of those works as soon as reasonably practicable subsequently and must comply with sub-paragraph (2) in so far as is reasonably practicable in the circumstances.

Cathodic protection testing

7. Where in the reasonable opinion of the promoter—

- (a) the authorised development might interfere with the existing cathodic protection forming part of a pipeline; or
- (b) a pipeline might interfere with the proposed or existing cathodic protection forming part of the authorised development,
- (c) the undertaker to whom the pipeline belongs, or who maintains that pipeline, and the promoter must co-operate in undertaking the tests which the promoter considers reasonably necessary for ascertaining the nature and extent of such interference and measures for providing or preserving cathodic protection.

Expenses

8.—(1) Subject to the following provisions of this paragraph, the promoter must repay to an undertaker the reasonable expenses reasonably incurred by that undertaker in, or in connection with—

- (a) the inspection, removal, alteration or protection of any apparatus; or
- (b) the construction of any new apparatus,
- (c) which may be required in consequence of the execution of any such works as are required under this Part of this Schedule.

(2) The value of any apparatus removed under the provisions of this Part of this 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 situated,

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the promoter or, in default of agreement, is not determined by arbitration in accordance with article 51 (*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 undertaker in question by virtue of sub-paragraph (1) is to be reduced by the amount of that excess.

(4) For the purposes of sub-paragraph (3)—

- (a) an extension of apparatus to a length greater than the length of existing apparatus must not be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and
- (b) where the provision of a joint in a pipe or cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole must 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 an 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 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.

Co-operation

9. Where in consequence of the proposed construction of any of the authorised development, the promoter requires the removal of apparatus under sub-paragraph 5(2)) or an undertaker makes requirements for the protection or alteration of apparatus under paragraph 6(2), the promoter must use its reasonable endeavours to co-ordinate the execution of the works in the interests of safety and the efficient and economic execution of the authorised development; and each undertaker must use its reasonable endeavours to co-operate with the promoter for that purpose.

Arbitration

10. Any difference or dispute arising between the promoter and an undertaker under this Schedule is, unless otherwise agreed in writing between the promoter and that undertaker, to be determined by arbitration in accordance with article 51 (*arbitration*).

PART 2

FOR THE PROTECTION OF OPERATORS OF ELECTRONIC COMMUNICATIONS CODE NETWORKS

Effect

1. For the protection of any operator, the following provisions, unless otherwise agreed in writing between the promoter (as defined in Part 1 of this Schedule) and the operator, have effect.

Interpretation

2. In this part of this Schedule—

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

“conduit system” has the same meaning as in the electronic communications code and references to providing a conduit system is 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 2003 Act(b);

“electronic communications code network” means—

(a) so much of an electronic communications network or conduit system provided by an electronic communications code operator as is not excluded from the application of the electronic communications code by a direction under section 106 of the 2003 Act; and

(b) an electronic communications network which the Secretary of State is providing or proposing to provide;

“electronic communications code operator” means a person in whose case the electronic communications code is applied by a direction under section 106 of the 2003 Act; and

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

On-street apparatus

3. The exercise of the powers of article 34 (*statutory undertakers*) are subject to paragraph 23 of Schedule 2 to the Telecommunication Act 1984(c) as if the promoter were a “relevant undertaker” for the purposes of that paragraph.

Enactments and agreements in respect of apparatus in the promoter’s land

4. Nothing in this Part of this Schedule affects the provisions of any enactment or agreement regulating the relations between the promoter and an undertaker in respect of any apparatus laid or erected in land belonging to the promoter on the date on which this Order is made.

Arbitration

5. Any difference or dispute arising between the promoter and an operator under this Part of this Schedule is, unless otherwise agreed in writing between the promoter and that operator, to be referred to and settled by arbitration under article 51 (*arbitration*).

(a) 2003 c.21.
(b) See section 106.
(c) 1984 c.12.

SCHEDULE 12

Article 3

MISCELLANEOUS CONTROLS

PART 1

PUBLIC GENERAL LEGISLATION

Introduction

1. This Part 1 of this Schedule applies, modifies and excludes statutory provisions which relate to matters for which provision may be made in this Order.

2.—(1) This Order—

- (a) fulfils the condition specified in section 28E(3)(a) (*duties in relation to sites of special scientific interest*) of the 1981 Act; and
- (b) is a permission for the purposes of section 28I (statutory undertakers, etc: duty in relation to authorising operations) of the 1981 Act,
- (c) in respect of an operation or operations referred to in sections 28E and 28I(2) of the 1981 Act which are carried out pursuant to this Order and, including the requirements in Schedule 3 (*requirements*), subject to its provisions.

(2) In this paragraph “the 1981 Act” means the Wildlife and Countryside Act 1981(a).

3.—(1) To the extent provided in sub-paragraph (2) but subject to sub-paragraphs (3) and (4), the authorised development is to be treated as a major accident hazard pipeline as if carbon dioxide were a dangerous fluid under Part III (*Major Accident Hazard Pipelines*) of the Regulations.

(2) The following Regulations and Schedules of the Regulations apply to the authorised development—

- (a) Regulation 20 (*Notification before construction*);
- (b) Regulation 21 (*Notification before use*);
- (c) Regulation 22 (*Notification in other cases*);
- (d) Regulation 23 (*Major accident prevention document*);
- (e) Regulation 24 (*Emergency procedures*);
- (f) Schedule 4 (*Particulars to be Included in Notification Relating to Construction of a Major Accident Hazard Pipeline*); and
- (g) Schedule 5 (*Particulars to be Notified Before Certain Events Relating to Major Accident Hazard Pipelines*).

(3) The following Regulations and Schedule of the Regulations do not apply to the authorised development—

- (a) Regulation 19 (*Emergency shut-down valves*);
- (b) Regulation 25 (*Emergency plans in case of major accidents*);
- (c) Regulation 26 (*Charge by a local authority for a plan*); and
- (d) Regulation 27 (*Transitional provision*);
- (e) Schedule 3 (*Requirements for Emergency Shut-down Valves on Certain Major Accident Hazard Pipelines Connected to Offshore Installations*).

(a) 1981 c.69.

(4) The following sections and schedule of the Health and Safety at Work etc. Act 1974 do not apply to any breach of Part III (*Major Accident Hazard Pipelines*) of the Regulations by the undertaker as a result of the application of Part III (*Major Accident Hazard Pipelines*) of the Regulations by this paragraph—

- (a) Sections 18 (*Authorities responsible for enforcement of the relevant statutory provisions*) to 28 (*Restrictions on disclosure of information*) (inclusive);
- (b) Sections 33 (*Offences*) to 42 (*Power of court to order cause of offence to be remedied or, in certain cases, forfeiture*) (inclusive); and
- (c) Schedule 3A (*Offences: Mode of Trial and Maximum Penalty*).

(5) In this paragraph “the Regulations” mean the Pipeline Safety Regulations 1996(a) and, subject to the provisions of this paragraph, “major accident hazard pipeline” and “dangerous fluid” have the same meanings as those given in the Regulations.

PART 2

LOCAL LEGISLATION

Table

<i>Row</i>	<i>Year</i>	<i>Short Title</i>
(1)	1980	Yorkshire Land Drainage Byelaws
(2)	1999	Selby Area Internal Drainage Board Byelaws
(3)	2013	Ouse and Humber Drainage Board Byelaws
(4)	2014	Beverley and North Holderness Internal Drainage Board Byelaws

Applications and modifications

1. The Byelaws specified in rows (1) to (4) of the Table shall have effect in accordance with and subject to the provisions below (and, subject to those provisions, are also subject to the provisions of article 3 (*Application, modification and disapplication of legislative provisions*)).

2. In so far as it applies or would apply in relation to anything done for the purposes of this Order, for Byelaw 4 (Control of Sluices etc.) of the Selby Area Internal Drainage Board Byelaws, Ouse and Humber Drainage Board Byelaws and Beverley and North Holderness Internal Drainage Board Byelaws there shall be substituted—

“A person shall use and maintain any sluice, water control structure or appliance for introducing water into any watercourse in the District or for controlling or regulating or affecting the flow of water in, into or out of any watercourse in accordance with a scheme for the mitigation of flood risk arising from such use and maintenance submitted by that person to the Board and approved by it; and if that person causes any damage to the watercourse by such use and maintenance that person shall make good such damage to the reasonable satisfaction of the Board.”

3. In so far as it applies or would apply in relation to anything done for the purposes of this Order, for Byelaw 7 (Detrimental Substances not to be Put into Watercourses) of the Selby Area Internal Drainage Board Byelaws, Ouse and Humber Drainage Board Byelaws and Beverley and North Holderness Internal Drainage Board Byelaws there shall be substituted—

(a) S.I. 1996/825.

“No person shall, so as directly or indirectly to obstruct, impede or interfere with the flow of water in, into or out of any watercourse or so as to damage the bank—

(a) discharge or put or cause or permit to be discharged or put or negligently or wilfully cause or permit to fall into any watercourse any object or matter of any kind whatsoever whether solid or liquid;

(b) allow any such object or matter as is referred to in sub-paragraph (a) of this Byelaw to remain in proximity to any watercourse in such manner as to render the same liable to drift or fall or be carried into any watercourse,

without the consent of the Board to which the Board may attach reasonable conditions.

Provided that nothing in this Byelaw shall be deemed to render unlawful the growing or harvesting of crops in accordance with normal agricultural practice.”

4. In so far as it applies or would apply in relation to anything done for the purposes of this Order, for Byelaw 14 (Vehicles not to be Driven on Banks) of the Selby Area Internal Drainage Board Byelaws, Ouse and Humber Drainage Board Byelaws and Beverley and North Holderness Internal Drainage Board Byelaws there shall be substituted—

“No person shall use or drive or permit or cause to be used or driven any cart, vehicle or implement of any kind whatsoever on, over or along any bank of a watercourse in such manner as to cause damage to such bank without the consent of the Board and, if such damage is caused by a person in such a manner, that person shall at their own cost make good such damage to the reasonable satisfaction of the Board.”

5. In so far as it applies or would apply in relation to anything done for the purposes of this Order, for Byelaw 15 (Banks not to be Used for Storage) of the Selby Area Internal Drainage Board Byelaws, Ouse and Humber Drainage Board Byelaws and Beverley and North Holderness Internal Drainage Board Byelaws there shall be substituted—

“No person shall use or cause or permit to be used any bank of any watercourse for the purpose of depositing or stacking or storing or keeping any rubbish or goods or any material or things thereon in such a manner as by reason of the weight, volume or nature of such rubbish, goods, material or things causes or is likely to cause damage to or endanger the stability of the bank or channel of the watercourse or interfere with the operations or access of the Board or the right of the Board to deposit spoil on the bank of the watercourse without the consent of the Board and, if such damage is caused by a person in such a manner, that person shall at their own cost make good such damage to the reasonable satisfaction of the Board.”

6. In so far as it applies or would apply in relation to anything done for the purposes of this Order, for Byelaw 23 (Damage to Property of the Board) of the Selby Area Internal Drainage Board Byelaws and Byelaw 24 (Damage to Property of the Board) of the Ouse and Humber Drainage Board Byelaws and Beverley and North Holderness Internal Drainage Board Byelaws there shall be substituted—

“If a person interferes with or damages any bank, bridge, building, structure, appliance or other property of or under the control of the Board that person shall at their own cost make good any damage they have caused to the reasonable satisfaction of the Board.”

7. In so far as it applies or would apply in relation to anything done for the purposes of this Order, for Byelaw 24 (Defacement of Notice Boards) of the Selby Area Internal Drainage Board Byelaws and Byelaw 25 (Defacement of Notice Boards) of the Ouse and Humber Drainage Board Byelaws and Beverley and North Holderness Internal Drainage Board Byelaws there shall be substituted—

“If a person defaces or removes any notice board, notice or placard put up by the Board that person shall at their own cost replace it to the reasonable satisfaction of the Board.

8. Any other provision in the Byelaws specified in rows (1) to (4) of the Table prohibiting, restricting or controlling any action continues to apply in relation to anything done for the purposes of this Order, except where the Authority or Internal Drainage Board that makes the Byelaws consents to the action.

9. Byelaws 5, 6, 10 and 15 of the Byelaws specified in row (1) of the Table have effect subject to article 3(2) (*application, modification and disapplication of legislative provisions*).

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 as they apply as respects compensation on the compulsory purchase of land and interests in land.

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

(2) In section 44(1) (compensation for injurious affection), as it applies to compensation for injurious affection under section 7 of the 1965 Act as substituted by paragraph 4—

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

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

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

Application of the 1965 Act

3.—(1) The 1965 Act has effect with the modifications necessary to make it apply to the compulsory acquisition under this Order of a right by the creation of a new right, or to the imposition under this Order of a restrictive covenant, as it applies to the compulsory acquisition 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—

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

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

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

(a) 1973 c. 26.

“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. 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.

6. Section 11 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, 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 (*penalty for unauthorised entry*) and 13 (*entry on warrant in the event of obstruction*) of the 1965 Act are modified correspondingly.

7. Section 20 of the 1965 Act (*protection for interests of tenants at will, etc.*) applies with the modifications necessary to secure that persons with such interests in land as are mentioned in that section are compensated in a manner corresponding to that in which they would be compensated on a compulsory acquisition under this Order 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.

8. 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, subject to compliance with that section as respects compensation.

PROCEDURE IN RELATION TO CERTAIN APPROVALS ETC.

Determination of applications for specified consents

1.—(1) Where an application has been made to the discharging authority for any specified consent, the discharging authority must give notice to the undertaker of its decision on the application within a period of 8 weeks (or in respect of a COPA application or byelaw application 28 days) beginning with—

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

(2) Where an application has been made under sub-paragraph (1) the discharging 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 discharging authority considers further information is necessary and this Order does not specify that consultation with a consultee is required, the discharging authority must, within 10 business days of receipt of the application, notify the undertaker in writing specifying the further information required.

(4) If a provision of this Order relating to a specified consent specifies that consultation with a consultee is required the discharging authority must—

- (a) issue the consultation to the consultee within 2 business days of receipt of the application;
- (b) notify the undertaker in writing specifying any further information requested by the consultee within 2 business days of receipt of such a request; and
- (c) in any event, within 21 business days of receipt of the application, specify to the undertaker in writing any further information required.

(5) If the discharging 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 by a requirement listed in Schedule 3 (*requirements*) to this Order, a fee of £97 (or such other fee as may be prescribed in regulations made pursuant to sections 303 (*fees for planning applications etc.*) and 333(2A) (*regulations and orders*) of the 1990 Act for the confirmation by a local planning authority of compliance with a condition attached to a planning permission) must be paid to the discharging authority.

(2) Any fee paid under this Schedule must be refunded to the undertaker within 4 weeks of—

- (a) the application being rejected as invalidly made; or
- (b) the discharging authority failing to determine the application within 8 weeks 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 discharging authority and credited in respect of a future application.

Appeals

3.—(1) The undertaker may appeal if—

- (a) the discharging authority refuses an application for any specified consent or grants it subject to conditions (or in respect of a COPA application limits or qualifies it in any way);
 - (b) the discharging authority does not give notice of its decision to the undertaker within the period specified in paragraph 1(1);
 - (c) having received a request for further information under paragraph 1(2) the undertaker considers that either the whole or part of the specified information requested by the discharging authority is not necessary for consideration of the application;
 - (d) having received any further information requested, the discharging 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;
 - (e) the discharging authority serves a COPA notice; or
 - (f) the discharging authority by or under a specified byelaw requires the undertaker to carry out any activity (to its satisfaction or otherwise) or to comply with any direction (referred to in this Schedule as a “byelaw requirement”); and the undertaker may not be required to comply with the byelaw requirement until the appointed person has decided the appeal or any claim for judicial review in respect of the appeal has been finally determined.
- (2) The procedure for appeals is as follows—
- (a) the undertaker must submit to the Secretary of State—
 - (i) a copy of the application submitted to the discharging authority;
 - (ii) in respect of an appeal of a byelaw requirement such details of the relevant requirement as have been provided to the undertaker by the discharging authority; or
 - (iii) where a COPA notice has been served a copy of that notice,
 - and any supporting documents which the undertaker may wish to provide (referred to in this Schedule as “the appeal documents”);
 - (b) the undertaker must on the same day provide copies of the appeal documents to the discharging authority and (if applicable) the consultee;
 - (c) as soon as is practicable after receiving the appeals documents the Secretary of State must appoint a person to determine the appeal (referred to in this Schedule as “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 should be sent;
 - (d) the discharging authority and (if applicable) the consultee 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 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, the appointed person may—

- (a) allow or dismiss the appeal;
- (b) reverse or vary any part of the decision of the discharging authority (whether the appeal relates to that part of it or not); or
- (c) determine that the undertaker should or should not comply with a byelaw requirement,

and may deal with the application as if it had been made to the appointed person in the first instance (which may include applying conditions to any approval or byelaw requirement).

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

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

(4) The decision of the appointed person on an appeal is final and binding on the parties, and a court may entertain proceedings for questioning the decision only if the proceedings are brought by a claim for judicial review within 6 weeks of the date of the decision.

(5) Any approval given by the appointed person pursuant to this Schedule is deemed to be an approval for the purposes of this Order and any other enactment which required the specified consent as if it had been given by the discharging authority.

(6) The discharging 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 discharging authority, the reasonable costs of the appointed person must be met by the undertaker.

(8) On application by the discharging 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 and the terms on which it is made, the appointed person must have regard to Communities and Local Government Circular 03/2009 or any circular or guidance which may from time to time replace it.

Application of this Schedule

5. Where the undertaker appeals under paragraph 3—

- (a) this Schedule applies instead of article 51 (*arbitration*);
- (b) in respect of any specified consent required pursuant to sections 54 to 106 of the 1991 act, this Schedule applies instead of section 99 (*arbitration*) of that Act;
- (c) in respect of any COPA notice or COPA application this Schedule applies instead of sections 60(7) or 61(7) of the 1974 Act; and
- (d) in respect of any specified consent required pursuant to a specified byelaw this Schedule applies instead of—
 - (i) byelaw 28 (*arbitration*) of the Selby Area Internal Drainage Board Byelaws 1999;
 - (ii) byelaw 29 (*arbitration*) of the Beverley and North Holderness Internal Drainage Board Byelaws 2014; or

- (iii) byelaw 29 (*arbitration*) of the Ouse and Humber Internal Drainage Board Land Drainage Byelaws 2013,
as applicable.

Interpretation of this Schedule

6. In this Schedule—

“1974 Act” means the Control of Pollution Act 1974(a);

“the appeal parties” means the discharging authority, the consultee (if applicable) and the undertaker;

“business day” means Monday to Friday excluding bank holidays;

“byelaw application” means an application made pursuant to a specified byelaw;

“byelaw requirement” has the meaning given in paragraph 2(1)(f);

“consultee” means any body named in a provision of this Order relating to a specified consent which is the subject of an appeal as a body to be consulted by the discharging authority in determining that specified consent;

“COPA application” means an application made pursuant to section 61 (*prior consent for work on construction sites*) of the 1974 Act;

“COPA notice” means a notice served pursuant to section 60 (*control of noise on construction sites*) of the 1974 Act;

“discharging authority” means the body responsible for determining whether a specified consent should be given or the local authority in the exercise of functions set out in sections 60 or 61 of the 1974 Act;

“specified byelaw” means any byelaw in—

- (a) the Selby Area Internal Drainage Board Byelaws 1999;
- (b) the Ouse and Humber Internal Drainage Board Land Drainage Byelaws 2013; and/or
- (c) the Beverley and North Holderness Internal Drainage Board Byelaws 2014;

“specified consent” means any—

- (a) agreement, certificate, consent, permission, expression of satisfaction or other approval required by—
 - (i) a requirement listed in Schedule 3 (*requirements*) of this Order;
 - (ii) a document referred to in any requirement listed in Schedule 3 of this Order;
 - (iii) a term of the deemed marine licence listed in Schedule 10 (deemed marine licence) under Part 4 (marine licensing) of the Marine and Coastal Access Act 2009);
 - (iv) article 44(3)(b) (*felling or lopping of trees or shrubs*);
 - (v) a specified byelaw; or
- (b) agreement, certificate, consent, permission, expression of satisfaction or other approval of the highway authority, street authority (where it is also the highway authority for the same area) or traffic authority required pursuant to articles—
 - (i) 10 (*street works*) (including pursuant to sections 54 to 106 of the 1991 Act as applied by article 10(3));
 - (ii) 11 (*power to alter layout, etc. of streets*);
 - (iii) 12 (*construction and maintenance of new, altered or diverted streets*);
 - (iv) 14 (*temporary stopping up of streets and public rights of way*);
 - (v) 13 (*permanent stopping up of streets*);
 - (vi) 17 (*traffic regulation*); or

(a) 1974 c.40.

- (vii) 21 (*authority to survey and investigate the land*); or
- (c) a consent pursuant to a COPA application.

EXPLANATORY NOTE

(This note is not part of the Order)

The Order

This Order authorises National Grid Carbon Limited (referred to as “the undertaker”) to construct and operate a pipeline transportation network and associated infrastructure to support the provision of carbon capture and storage technology in the Yorkshire and Humber region.

The Order permits the undertaker to acquire, compulsorily or by agreement, land and rights in land and to use land for this purpose. The Order also makes provision in connection with the maintenance of the network.

A copy of the Order plans and the book of reference mentioned in this Order and certified in accordance with article 49 of this Order (*certification of plans, etc.*) may be inspected free of charge during working hours at the [Planning Reception Desk], of East Riding of Yorkshire Council [*insert address*] and Selby District Council [*insert address*].

STATUTORY INSTRUMENTS

201[●] No. [●]

INFRASTRUCTURE PLANNING

ENERGY

The [Draft] Yorkshire and Humber (Carbon Capture and Storage
Cross Country Pipeline) Order 201[●]

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