

A30 Chiverton to Carland Cross TR010026

3.1 DRAFT DEVELOPMENT CONSENT ORDER

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

**A30 Chiverton to Carland Cross
Development Consent Order 201[x]**

3.1 DRAFT DEVELOPMENT CONSENT ORDER

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INFRASTRUCTURE PLANNING

**The A30 Chiverton to Carland Cross Development Consent
Order 201[]**

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

The application was examined by [a single appointed person] (appointed by the Secretary of State) in accordance with Chapter 4 of Part 6 of the 2008 Act and the Infrastructure Planning (Examination Procedure) Rules 2010(c).

The [single appointed person], having considered the representations made and not withdrawn and the application together with the accompanying documents, in accordance with section 83 of the 2008 Act, has submitted a report and recommendation to the Secretary of State.

The Secretary of State, having considered the representations made and not withdrawn, and the report of the [single appointed person], has decided to make an Order granting development consent for the development described in the application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

The Secretary of State is satisfied that replacement land has been or will be given in exchange for the special category land (as defined in article 38(4) of this Order) and the replacement land (as defined in that article) has been or will be vested in the prospective seller and subject to the same rights, trusts and incidents as attach to the special category land, and that, accordingly, section 131(4) of the 2008 Act applies.

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

PART 1

PRELIMINARY

Citation and commencement

1.—(1) This Order may be cited as the A30 Chiverton to Carland Cross Development Consent Order 201[•] and comes into force on [•].

Interpretation

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

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

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

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

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

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

(b) S.I. 2009/2264, amended by S.I. 2010/439, S.I. 2010/602, S.I. 2012/635, S.I. 2012/2654, S.I. 2012/2732, S.I. 2012/1659, S.I. 2013/522, S.I. 2013/755, S.I. 2014/2381, S.I. 2015/377, S.I. 2017/572.

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

(d) 1961 c. 33.

(e) 1965 c. 56.

(f) 1980 c. 66.

(g) 1981 c. 66.

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

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

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

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

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

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

“authorised development” means the development and associated development described in Schedule 1 (authorised development);

“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;

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

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

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

“the classification of roads plans” means the plans certified by the Secretary of State as the classification of roads plans for the purposes of this Order;

“the clearways plans” means the plans certified by the Secretary of State as the clearways plans for the purposes of this Order;

“commence” means beginning to carry out any material operation (as defined in section 56(4) of the 1990 Act) forming part of the authorised development 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, erection of any temporary means of enclosure, and the temporary display of site notices or advertisements, and “commencement” is to be construed accordingly;

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

“the de-trunking plans” means the plans certified by the Secretary of State as the de-trunking plans for the purposes of this Order;

“electronic transmission” means a communication transmitted—

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

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

“the environmental masterplan” means the plan certified by the Secretary of State as the environmental masterplan for the purposes of this Order;

“the environmental statement” means the documents certified by the Secretary of State as the environmental statement for the purposes of this Order;

“footpath” and “footway” have the same meaning as in section 329(1) (further provision as to interpretation) of the 1980 Act;

“the general arrangement and section plans” means the documents certified by the Secretary of State as the general arrangement and section plans for the purposes of this Order;

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

“the land plans” means the plans certified by the Secretary of State as the land plans for the purposes of this Order;

(a) 1984 c. 27.

(b) 1990 c. 8.

(c) 1991 c. 22.

(d) 2008 c. 29.

(e) The definition of “cycle track” was amended by section 1 of the Cycle Tracks Act 1984 (c. 38) and paragraph 21(2) of Schedule 3 to the Road Traffic (Consequential Provisions) Act 1988 (c. 54).

“the limits of deviation” means the limits of deviation referred to in article 8 (limits of deviation);

“the local highway authority” means Cornwall Council;

“maintain” includes inspect, repair, adjust, alter, remove, replace or reconstruct in relation to the authorised development and any derivative of “maintain” is to be construed accordingly;

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

“the Order limits” means the limits of the land to be acquired or used permanently or temporarily shown on the land plans and works plans within which the authorised development may be carried out;

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

“the prohibitions plans” means the plans certified by the Secretary of State as the prohibitions plans for the purposes of this Order;

“the relevant planning authority” means Cornwall Council;

“the rights of way and access plans” means the plans certified by the Secretary of State as the rights of way and access plans for the purposes of this Order;

“the Secretary of State” means the Secretary of State for Transport;

“the special category land plan” means the plan certified by the Secretary of State as the special category land plan for the purposes of this Order;

“special road” means a highway which is a special road in accordance with section 16 (general provision as to special roads) of the 1980 Act or by virtue of an order granting development consent;

“the speed limits plans” means the plans certified by the Secretary of State as the speed limits plans for the purposes of this Order;

“statutory undertaker” means any statutory undertaker for the purposes of section 127(8) (statutory undertakers’ land) of the 2008 Act;

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

“street authority” has the same meaning as in section 49 (the street authority and other relevant authorities) of the 1991 Act;

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

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

“trunk road” means a highway which is a trunk road by virtue of—

- (a) section 10(c) (general provision as to trunk roads) or section 19(1)(d) (certain special roads and other highways to become trunk roads) of the 1980 Act;
- (b) an order made or direction given under section 10 of that Act;
- (c) an order granting development consent; or
- (d) any other enactment;

(a) 1981 c. 67. The definition of “owner” was amended by paragraph 9 of Schedule 15 to the Planning and Compensation Act 1991 (c. 34). There are other amendments to section 7 which are not relevant to this Order.

(b) This section was inserted by section 168(1) of, and paragraph 70 of Schedule 8 to, the New Roads and Street Works Act 1991 (c. 22); and brought into force by S.I. 1991/2288.

(c) As amended by section 22(2) of the 1991 Act and paragraph 22 of Schedule 2 to the 2008 Act, and by section 1 of, and Schedule 1 to, the Infrastructure Act 2015 (c. 7).

(d) As amended by section 1 of, and Schedule 1 to, the Infrastructure Act 2015 (c. 7).

“the undertaker” means Highways England Company Limited, company number 09346363, whose registered office is at Bridge House, 1 Walnut Tree Close, Guildford, Surrey, GU1 4LZ;

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

“the works plans” means the plans certified by the Secretary of State as the works plans for the purposes of this Order.

(2) References in this Order to rights over land include references to rights to do or to place and maintain, anything in, on or under land or in the airspace above its surface and references in this Order to the imposition of restrictive covenants are references to the creation of rights over land which interfere with the interests or rights of another and are for the benefit of land which is acquired under this Order or is otherwise comprised in the Order land.

(3) All distances, directions, areas and lengths referred to in this Order are approximate and distances between points on a work comprised in the authorised development are taken to be measured along that work.

(4) For the purposes of this Order, all areas described in square metres in the book of reference are approximate.

(5) References in this Order to points identified by letters or numbers are to be construed as references to points so lettered or numbered on the relevant plans.

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

Maintenance of drainage works

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

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

Disapplication of legislation, etc.

4. In so far as they relate to the temporary possession of land, the provisions of the Neighbourhood Planning Act 2017(a) do not apply in relation to the construction of any work or the carrying out of any operation required for the purpose of, or in connection with, the construction of the authorised development and, within any maintenance period defined in article 34(11), any maintenance of any part of the authorised development.

PART 2

PRINCIPAL POWERS

Development consent etc. granted by the Order

5.—(1) Subject to the provisions of this Order, including the requirements in Schedule 2 (requirements), the undertaker is granted development consent for the authorised development to be carried out within the Order limits.

(2) Any enactment applying to land within or adjacent to the Order limits has effect subject to the provisions of this Order.

Maintenance of authorised development

6. The undertaker may at any time maintain the authorised development, except to the extent that this Order, or an agreement made under this Order, provides otherwise.

Planning permission

7. If planning permission is granted under the powers conferred by the 1990 Act for development any part of which is within the Order limits following the coming into force of this Order that is—

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

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

Limits of deviation

8. In carrying out the authorised development the undertaker may—

- (a) in respect of the earthworks associated with Work Nos. 1 to 12 only, deviate laterally from the lines or situations of the authorised development shown on the works plans to a maximum of 1.75 metres;
- (b) in respect of any other work, deviate laterally from the lines or situations of the authorised development shown on the works plans to a maximum of 0.5 metres;
- (c) subject to sub-paragraph (d), deviate vertically from the levels of the authorised development shown on the general arrangement and section plans to a maximum of 0.5 metres upwards or downwards; and
- (d) in respect of that part of:
 - (i) Work Nos. 1 and 3 between points M and N on sheet 1 of the works plans;
 - (ii) Work No. 1 between points O and P on sheet 4 of the works plans; and
 - (iii) Work Nos. 1 and 5 between points Q and R on sheet 8 of the works plans,deviate vertically from the levels of the authorised development shown on the general arrangement and section plans to a maximum of 0.5 metres downwards,

except that these maximum limits of deviation do not apply where it is demonstrated by the undertaker to the Secretary of State's satisfaction and the Secretary of State, following consultation with the relevant planning authority and the local highway authority, certifies accordingly that a deviation in excess of these limits would not give rise to any materially new or materially worse adverse environmental effects in comparison with those reported in the environmental statement.

Benefit of Order

9.—(1) Subject to article 10 (consent to transfer benefit of Order) and paragraph (2), the provisions of this Order conferring powers on the undertaker have effect solely for the benefit of the undertaker.

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

Consent to transfer benefit of Order

10.—(1) The undertaker may—

- (a) transfer to another person (“the transferee”) any or all of the benefit of the provisions of this Order and such related statutory rights as may be agreed between 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, except in paragraph (3), 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 the undertaker.

(4) The consent of the Secretary of State is required for a transfer or grant under this article, except where the transfer or grant is made to—

- (a) South West Water Limited (company number 02366665, whose registered office is at Peninsula House, Rydon Lane, Exeter, Devon EX2 7HR) for the purposes of undertaking Work Nos. 14, 16, 25, 31, 36, 46 and 66;
- (b) Western Power Distribution Public Limited Company (company number 09223384, whose registered office is at Avonbank, Feeder Road, Bristol BS2 0TB) (or a related or subsidiary company) for the purposes of undertaking Work Nos. 15, 19, 24, 26, 28, 32, 37, 40, 42, 43, 57, 63 and 70;
- (c) BT Group Public Limited Company (company number 04190816, whose registered office is at 81 Newgate Street, London EC1A 7AJ) (or a related or subsidiary company) for the purposes of undertaking Work Nos. 21, 27, 29, 33, 34, 35, 39, 41, 44, 50, 51, 52, 54, 56, 59, 60, 61, 62, 64 and 65;
- (d) Wales & West Utilities Limited (company number 05046791, whose registered office is at Wales & West House, Spooner Close, Coedkernew, Newport, South Wales NP10 8FZ) for the purposes of undertaking Work Nos. 22 and 45;
- (e) Instalcom Limited (company number 03421543, whose registered office is at 202 Northolt Road, South Harrow, Middlesex HA2 0EX) for the purposes of undertaking Work Nos. 23, 47, 48, 49, 53, 55, 58, 67, 68, 69, 71, 72 and 73;
- (f) Level 3 Communications Limited (company number 03514850, whose registered office is at 7th Floor, 10 Fleet Place, London EC4M 7RB) for the purposes of undertaking Work Nos. 23, 47, 48, 49, 53, 55, 58, 67, 68, 69, 71, 72 and 73;
- (g) Renewable Energy Systems Limited (company number 01589961, whose registered office is at Beaufort Court, Egg Farm Lane, Station Road, Kings Langley, Hertfordshire WD4 8LR) for the purposes of undertaking Work Nos. 19 and 57;
- (h) ScottishPower Renewables (UK) Limited (company number NI028425, whose registered office is at The Soloist, 1 Lanyon Place, Belfast, Northern Ireland BT1 3LP) for the purposes of undertaking Work Nos. 5(g) and 5(m);
- (i) Verizon Digital Media Services UK Limited (company number 08524398, whose registered office is at Shropshire House, 11-20 Capper Street, London WC1E 6JA) for the purposes of undertaking Work No. 13;
- (j) Virgin Media Limited (company number 02591237, whose registered office is at Media House, Bartley Wood Business Park, Hook, Hampshire RG27 9UP) for the purposes of undertaking Work Nos. 23, 47, 48, 49, 53, 55, 58, 67, 68, 69, 71, 72 and 73;
- (k) Vodafone Group Public Limited Company (company number 01833679, whose registered office is at Vodafone House, The Connection, Newbury, Berkshire RG14 2FN) (or a related or subsidiary company) for the purposes of undertaking Work Nos. 23, 47, 48, 49, 53, 55, 58, 67, 68, 69, 71, 72 and 73; or

- (l) Sky UK Limited (company number 02906991, whose registered office is at Grant Way, Isleworth, Middlesex TW7 5QD) for the purposes of undertaking Work Nos. 23, 47, 48, 49, 53, 55, 58, 67, 68, 69, 71, 72 and 73.

PART 3 STREETS

Street works

11.—(1) The undertaker may, for the purposes of the authorised development, enter on so much of any of the streets as are within the Order limits and may—

- (a) break up or open the street, or any sewer, drain or tunnel under it;
- (b) tunnel or bore under the street;
- (c) place 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), (b), (c) and (d).

(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.

(3) Subject to article 12 (application of the 1991 Act), the provisions of sections 54 to 106 of the 1991 Act apply to any street works carried out under paragraph (1).

Application of the 1991 Act

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

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

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

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

- (a) section 56(d) (power to give directions as to timing of street works);
- (b) section 56A(e) (power to give directions as to placing of apparatus);
- (c) section 58(a) (restriction on works following substantial road works);

-
- (a) Section 86(3) defines what highway works are major highway works.
 - (b) As amended by section 102 of, and Schedule 17 to, the Local Government Act 1985 (c. 51) and section 168(2) of, and Schedule 9 to, the New Roads and Street Works Act 1991 (c. 22).
 - (c) As amended by section 4 of, and paragraph 45 of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c. 11); and section 18 of and Schedule 8 to, the New Roads and Street Works Act 1991 (c. 22).
 - (d) As amended by sections 40 and 43 of the Traffic Management Act 2004 (c. 18).
 - (e) Inserted by section 44 of the Traffic Management Act 2004.

- (d) section 58A(b) (restriction on works following substantial street works); and
- (e) schedule 3A(c) (restriction on works following substantial street works).

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

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

- (a) section 54 (advance notice of certain works), subject to paragraph (6);
- (b) section 55 (notice of starting date of works), subject to paragraph (6);
- (c) section 57 (notice of emergency works);
- (d) section 59 (general duty of street authority to co-ordinate works);
- (e) section 60 (general duty of undertakers to co-operate);
- (f) section 68 (facilities to be afforded to street authority);
- (g) section 69 (works likely to affect other apparatus in the street);
- (h) section 75 (inspection fees);
- (i) section 76 (liability for cost of temporary traffic regulation); and
- (j) section 77 (liability for cost of use of alternative route),

and all such other provisions as apply for the purposes of the provisions mentioned above.

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

(7) Nothing in article 13 (construction and maintenance of new, altered or diverted streets and other structures)—

- (a) affects the operation of section 87 (prospectively maintainable highways) of the 1991 Act;
- (b) means that the undertaker is by reason of any duty under that article to maintain a street to be taken to be the street authority in relation to that street for the purposes of Part 3 of that Act; or
- (c) has effect in relation to street works to which the provisions of Part 3 of the 1991 Act apply.

Construction and maintenance of new, altered or diverted streets and other structures

13.—(1) Any highway (other than a special road or a trunk road) to be constructed under this Order must be completed to the reasonable satisfaction of the local highway authority and, unless otherwise agreed in writing with the local highway authority, the highway including any culverts or other structures laid under it must be maintained by and at the expense of the local highway authority from its completion.

(2) Where a highway (other than a special road or a trunk road) is altered or diverted under this Order, the altered or diverted part of the highway must be completed to the reasonable satisfaction of the local highway authority and, unless otherwise agreed in writing with the local highway

(a) As amended by section 51 of the Traffic Management Act 2004.
(b) Inserted by section 52 of the Traffic Management Act 2004.
(c) Inserted by section 52 of, and Schedule 4 to, the Traffic Management Act 2004.
(d) All as amended by the Traffic Management Act 2004.

authority, that part of the highway including any culverts or other structures laid under it must be maintained by and at the expense of the local highway authority from its completion.

(3) Where a street which is not and is not intended to be a public highway is constructed, altered or diverted under this Order, the street (or part of the street as the case may be) must, when completed to the reasonable satisfaction of the street authority and unless otherwise agreed in writing with the street authority, 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 street authority.

(4) Where a highway is de-trunked under this Order—

- (a) section 265 (transfer of property and liabilities upon a highway becoming or ceasing to be a trunk road) of the 1980 Act applies in respect of that highway; and
- (b) any alterations to that highway undertaken under powers conferred by this Order prior to and in connection with that de-trunking must, unless otherwise agreed in writing with the local highway authority, be maintained by and at the expense of the local highway authority from the date of de-trunking.

(5) In the case of a bridge constructed under this Order to carry a highway (other than a special road or a trunk road) over or under another highway, the highway surface must from its completion be maintained by and at the expense of the local highway authority and the structure of the bridge must be maintained by and at the expense of the undertaker unless otherwise agreed in writing with the local highway authority.

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

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

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

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

Classification of roads, etc.

14.—(1) From the date on which the roads described in Part 1 (trunk roads) of Schedule 3 are completed and open for traffic, they are to become trunk roads as if they had become so by virtue of an order under section 10(2)(a) (general provision as to trunk roads) of the 1980 Act specifying that date as the date on which they were to become trunk roads.

(a) As amended by section 22 of the 1991 Act, and by section 1 of, and Schedule 1 to, the Infrastructure Act 2015.

(2) On such day as the undertaker may determine, the roads described in Part 2 (roads to be de-trunked) of Schedule 3 are to cease to be trunk roads as if they had ceased to be trunk roads by virtue of an order made under section 10(2) of the 1980 Act specifying that date as the date on which they were to cease to be trunk roads.

(3) From the date on which the roads described in Part 3 (classified roads) of Schedule 3 are completed and open for traffic, they are to become classified roads for the purpose of any enactment or instrument which refers to highways classified as classified roads as if such classification had been made under section 12(3) (general provision as to principal and classified roads) of the 1980 Act.

(4) From the date on which the roads described in Part 4 (unclassified roads) of Schedule 3 are completed and open for traffic, they are to become unclassified roads for the purpose of any enactment or instrument which refers to unclassified roads.

(5) From the date on which the roads described in Part 5 (speed limits) of Schedule 3 are open for traffic, no person is to drive any motor vehicle at a speed exceeding the limit in miles per hour specified in column (3) of that Part along the lengths of road identified in the corresponding row of column (2) of that Part.

(6) On such day as the undertaker may determine, the restrictions specified in column (3) of Part 6 (traffic regulation measures (clearways and prohibitions)) of Schedule 3 are to apply to the lengths of road identified in the corresponding row of column (2) of that Part.

(7) Unless otherwise agreed with the relevant planning authority, the public rights of way set out in Part 8 (public rights of way) of Schedule 3 and identified on the rights of way and access plans are to be constructed by the undertaker in the specified locations and open for use from the date on which the authorised development is open for traffic.

(8) On such day as the undertaker may determine, the orders specified in column (3) of Part 7 (revocations & variations of existing traffic regulation orders) of Schedule 3 are to be varied or revoked as specified in the corresponding row of column (4) of that Part in respect of the lengths of roads specified in the corresponding row of column (2) of that Part.

(9) The application of paragraphs (1) to (7) may be varied or revoked by any instrument made under any enactment which provides for the variation or revocation of such matters, including by an instrument made under the 1984 Act where the matter in question could have been included in an order made under that Act.

Temporary stopping up and restriction of use of streets

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

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

(2) Without limitation on the scope of paragraph (1), the undertaker may use any street temporarily stopped up or restricted under the powers conferred by this article, and which is within the Order limits, as a temporary working site.

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

(4) The undertaker must not temporarily stop up, alter, divert or restrict the use of any street for which it is not the street authority without the consent of the street authority, which may attach reasonable conditions to any consent but such consent must not be unreasonably withheld or delayed.

(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.

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

Permanent stopping up and restriction of use of streets and private means of access

16.—(1) Subject to the provisions of this article, the undertaker may, in connection with the carrying out of the authorised development, stop up each of the streets and private means of access specified in columns (1) and (2) of Parts 1, 2, 3 and 4 of Schedule 4 (permanent stopping up of highways and private means of access & provision of new highways and private means of access) to the extent specified and described in column (3) of those Parts of that Schedule.

(2) No street or private means of access specified in columns (1) and (2) of Parts 2 and 4 of Schedule 4 (being a street or private means of access to be stopped up for which a substitute is to be provided) is to be wholly or partly stopped up under this article unless—

- (a) the new street or private means of access to be constructed and substituted for it, which is specified in column (4) of those Parts of that Schedule, 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 or private means of access 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 or private means of access until the completion and opening of the new street or private means of access in accordance with sub-paragraph (a).

(3) No street or private means of access specified in columns (1) and (2) of Parts 1 and 3 of Schedule 4 (being a street or private means of access to be stopped up for which no substitute is to be provided) is to be wholly or partly stopped up under this article unless the condition specified in paragraph (4) is satisfied in relation to all the land which abuts on either side of the street or private means of access to be stopped up.

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

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

(5) Where a street or private means of access has been stopped up under this article—

- (a) all rights of way over or along the street or private means of access 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 or private means of access as is bounded on both sides by land owned by the undertaker.

(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 36 (apparatus and rights of statutory undertakers in stopped up streets).

Access to works

17. The undertaker may, for the purposes of the authorised development, form and lay out 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.

Clearways

18.—(1) From such day as the undertaker may determine, except as provided in paragraph (2), no person is to cause or permit any vehicle to wait on any part of the lengths of road described in column (2) of Part 6 (traffic regulation measures (clearways and prohibitions)) of Schedule 3 (classification of roads, etc.) where it is identified in the corresponding row of column (3) of that Part that such lengths of road are to become a clearway, except upon the direction of, or with the permission of, a uniformed constable or uniformed traffic officer.

(2) Nothing in paragraph (1) applies—

- (a) to render it unlawful to cause or permit a vehicle to wait on any part of a road, for so long as may be necessary to enable that vehicle to be used in connection with—
 - (i) the removal of any obstruction to traffic;
 - (ii) the maintenance, improvement, reconstruction or operation of the road;
 - (iii) the laying, erection, inspection, maintenance, alteration, repair, renewal or removal in or near the road of any sewer, main pipe, conduit, wire, cable or other apparatus for the supply of gas, water, electricity or any electronic communications apparatus as defined in Schedule 3A (the Electronic Communications Code) to the Communications Act 2003(a); or
 - (iv) any building operation or demolition;
- (b) in relation to a vehicle being used—
 - (i) for police, ambulance, fire and rescue authority or traffic officer purposes;
 - (ii) in the service of a local authority, safety camera partnership or Driver and Vehicle Standards Agency in pursuance of statutory powers or duties;
 - (iii) in the service of a water or sewerage undertaker within the meaning of the Water Industry Act 1991(b); or
 - (iv) by a universal service provider for the purposes of providing a universal postal service as defined by the Postal Services Act 2000(c); or
- (c) in relation to a vehicle waiting when the person in control of it is—
 - (i) required by law to stop;
 - (ii) obliged to stop in order to avoid an accident; or
 - (iii) prevented from proceeding by circumstances outside the person's control.

(3) No person is to cause or permit any vehicle to wait on any part of the roads described in paragraph (1) for the purposes of selling, or dispensing of, goods from that vehicle, unless the goods are immediately delivered at, or taken into, premises adjacent to the land on which the vehicle stood when the goods were sold or dispensed.

(4) Paragraphs (1), (2) and (3) have effect as if made by order under the 1984 Act, and their application may be varied or revoked by an order made under that Act or any other enactment which provides for the variation or revocation of such orders.

(5) In this article, “traffic officer” means an individual designated under section 2 (designation of traffic officers) of the Traffic Management Act 2004(d).

Traffic regulation

19.—(1) This article applies to roads in respect of which the undertaker is not the traffic authority.

(a) 2003 c. 21. Schedule 3A was inserted by paragraph 1 of Schedule 1 to the Digital Economy Act 2017 (c. 30).

(b) 1991 c. 56.

(c) 2000 c. 26 as amended by the Postal Services Act 2011 (c. 5).

(d) 2004 c. 18.

(2) 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, the undertaker may, for the purposes 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;
- (b) permit, prohibit or restrict the stopping, 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.

(3) The power conferred by paragraph (2) may be exercised at any time prior to the expiry of 12 months from the opening of the authorised development for public use but subject to paragraph (7) any prohibition, restriction or other provision made under paragraph (2) may have effect both before and after the expiry of that period.

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

(5) The undertaker must not exercise the powers conferred by paragraph (2) unless the undertaker has—

- (a) given not less than—
 - (i) 12 weeks' notice in writing of the undertaker's intention so to do in the case of a prohibition, restriction or other provision intended to have effect permanently; or
 - (ii) 4 weeks' notice in writing of the undertaker's intention so to do in the case of a prohibition, restriction or other provision intended to have effect temporarily,to the chief officer of police and to the traffic authority in whose area the road is situated; and
- (b) advertised the undertaker's intention in such manner as the traffic authority may specify in writing within 28 days of its receipt of notice of the undertaker's intention in the case of sub-paragraph (a)(i), or within 7 days of its receipt of notice of the undertaker's intention in the case of sub-paragraph (a)(ii).

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

- (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 (power of local authorities to provide parking places) of the 1984 Act,and the instrument by which it is effected may specify savings and exemptions to which the prohibition, restriction or other provision is subject; and
- (b) is deemed to be a traffic order for the purposes of Schedule 7 (road traffic contraventions subject to civil enforcement) to the Traffic Management Act 2004(a).

(7) 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 (2) within a period of 24 months from the opening of the authorised development.

(8) Before exercising the powers conferred by paragraph (2) the undertaker must consult such persons as the undertaker considers necessary and appropriate and must take into consideration any representations made to the undertaker by any such person.

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

(10) The powers conferred on the undertaker by this article with respect to any road have effect subject to any agreement entered into by the undertaker with any person with an interest in (or who undertakes activities in relation to) premises served by the road.

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

PART 4

SUPPLEMENTAL POWERS

Discharge of water

20.—(1) Subject to paragraphs (3) and (4), the undertaker may use any watercourse or any public sewer or drain for the drainage of water in connection with the carrying out, maintenance or use of the authorised development and for that purpose may lay down, take up and alter pipes and may, on any land within the Order limits, make openings into, and connections with, the watercourse, public sewer or drain.

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

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

(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; and

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

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

(6) In this article—

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

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

(7) If a person who receives an application for consent under paragraph (3) or approval under paragraph (4)(a) fails to notify the undertaker of a decision within 28 days of receiving an application, that person is deemed to have granted consent or given approval, as the case may be.

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

(b) 1991 c. 57.

Protective works to buildings

21.—(1) Subject to the following provisions of this article, the undertaker may at its own expense carry out such protective works to any building which may be affected by the authorised development as the undertaker considers necessary or expedient.

(2) Protective works may be carried out—

- (a) at any time before or during the carrying out in the vicinity of the 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 opened for use.

(3) For the purpose of determining how the functions under this article are to be exercised the undertaker may (subject to paragraph (5)) enter and survey any building falling within paragraph (1) and any land within its curtilage.

(4) For the purpose of carrying out protective works to a building under this article 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 paragraph (4)(a) to enter a building and land within its curtilage; or
- (d) a right under 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 paragraph (5)(a), (c) or (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 47 (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 opened for use 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 152(a) (compensation in case where no right to claim in nuisance) of the 2008 Act.

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

(a) As amended by S.I. 2009/1307.

(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

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

- (a) survey or investigate the land (including any watercourses, ground water, static water bodies or vegetation on the land);
- (b) without limitation on the scope of sub-paragraph (a), make any excavations or trial holes or boreholes in such positions on the land as the undertaker thinks fit to investigate the nature of the surface layer and subsoil and groundwater and remove soil and water samples and discharge water samples onto the land;
- (c) without limitation on the scope of sub-paragraph (a), carry out ecological or archaeological investigations on such land, including making any excavations or trial holes on the land for such purposes; and
- (d) place on, leave on and remove from the land apparatus for use in connection with the survey and investigation of land and making of trial holes or boreholes.

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

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

- (a) must, if so required, before or after entering the land, produce written evidence of their authority to do so; and
- (b) may take onto the land such vehicles and equipment as are necessary to carry out the survey or investigation or to make the trial holes or boreholes.

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

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

but such consent must not be unreasonably withheld.

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

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

- (a) under paragraph (4)(a) in the case of the local highway authority; or
- (b) under paragraph (4)(b) in the case of a street authority,

that authority is deemed to have granted consent.

PART 5

POWERS OF ACQUISITION

Compulsory acquisition of land

23.—(1) The undertaker may acquire compulsorily so much of the Order land as is required to carry out or to facilitate, or is incidental to, the authorised development, or is required as replacement land.

(2) This article is subject to paragraph (2) of article 26 (compulsory acquisition of rights) and paragraph (8) of article 33 (temporary use of land for carrying out the authorised development).

Compulsory acquisition of land – incorporation of the mineral code

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

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

Time limit for exercise of authority to acquire land compulsorily

25.—(1) After the end of the period of 5 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 (execution of declaration) of the 1981 Act as applied by article 30 (application of the 1981 Act).

(2) The authority conferred by article 33 (temporary use of land for carrying out the authorised development) ceases at the end of the period referred to in paragraph (1), except that nothing in this paragraph prevents the undertaker from remaining in possession of land after the end of that period, if the land was entered and possession was taken before the end of that period.

Compulsory acquisition of rights

26.—(1) The undertaker may acquire such rights over the Order land or impose restrictive covenants affecting the land as may be required for any purpose for which that land may be acquired under article 23 (compulsory acquisition of land), by creating them as well as acquiring rights already in existence.

(2) In the case of the Order land specified in column (1) of Schedule 5 (land in which only new rights etc. may be acquired) the undertaker’s powers of compulsory acquisition are limited to the acquisition of such wayleaves, easements, new rights in the land or the imposition of restrictive covenants as may be required for the purpose specified in relation to that land in column (2) of that Schedule and relating to that part of the authorised development specified in column (3) of that Schedule.

(3) The power to impose restrictive covenants under paragraph (1) is exercisable only in respect of plots specified in column (1) of Schedule 5.

(4) Subject to Schedule 2A (counter-notice requiring purchase of land not in notice to treat) to the 1965 Act (as substituted by paragraph 5(8) of Schedule 6 (modification of compensation and compulsory purchase enactments for creation of new rights and imposition of restrictive covenants)), where the undertaker acquires a right over land or the benefit of a restrictive covenant, the undertaker is not required to acquire a greater interest in that land.

(a) 1981 c. 67.

(5) Schedule 6 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.

Public rights of way

27.—(1) The public rights of way identified in columns (1) to (3) of Parts 1 and 2 of Schedule 4 (permanent stopping up of highways and private means of access & provision of new highways and private means of access) and shown on the rights of way and access plans are to be extinguished on the date of the expiry of the notice given under paragraph (2).

(2) Prior to the extinguishment of each of the public rights of way identified in columns (1) to (3) of Parts 1 and 2 of Schedule 4 and shown on the rights of way and access plans, the undertaker must erect a site notice at each end of the rights of way to be extinguished no less than 28 days prior to the extinguishment of that right of way.

(3) The notice to be erected under paragraph (2) must include—

- (a) details of the public rights of way to be extinguished;
- (b) the date on which the extinguishment will take effect;
- (c) details of any public rights of way being provided in substitution; and
- (d) details of the places where a copy of this Order and the documents listed in Schedule 10 (documents to be certified) may be inspected.

Private rights over land

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

- (a) 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) (powers of entry) of the 1965 Act,

whichever is the earlier.

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

- (a) from the date of the acquisition of the right or the benefit of the restrictive covenant 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) (powers of entry) of the 1965 Act,

whichever is the earlier.

(3) Subject to the provisions of this article, all private rights over land owned by the undertaker within the Order limits which are required to be interfered with or breached for the purposes of this Order are extinguished on commencement of any activity authorised by this Order which interferes with or breaches those rights.

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

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

(6) This article does not apply in relation to any right to which section 138 (extinguishment of rights, and removal of apparatus, of statutory undertakers etc.) of the 2008 Act or article 35 (statutory undertakers) applies.

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

(a) any notice given by the undertaker before—

(i) the completion of the acquisition of the land or the acquisition of the rights or the imposition of restrictive covenants over or affecting the land;

(ii) the undertaker's appropriation of it;

(iii) the undertaker's entry onto it; or

(iv) the undertaker's taking temporary possession of it,

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

(b) any agreement made at any time between the undertaker and the person in or to whom the right in question is vested or belongs.

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

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

(b) is expressed to have effect also for the benefit of those deriving title from or under that person,

it is effective in respect of the persons so deriving title, whether the title was derived before or after the making of the agreement.

(9) References in this article to private rights over land include any trust, incident, 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, agreement or undertaking having that effect.

Modification of Part 1 of the 1965 Act

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

(2) In section 4A(1)(a) (extension of time limit during challenge) for “section 23 of the Acquisition of Land Act 1981 (application to High Court in respect of compulsory purchase order), the three year period mentioned in section 4” substitute “section 118 of the Planning Act 2008 (legal challenges relating to applications for orders granting development consent), the five year period mentioned in article 25 (time limit for exercise of authority to acquire land compulsorily) of the A30 Chiverton to Carland Cross Development Consent Order 20[•]”.

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

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

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

(4) In section 22(2) (interests omitted from purchase), for “section 4 of this Act” substitute “article 25 of the A30 Chiverton to Carland Cross Development Consent Order 20[•]”.

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

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

“(2) But see article 31(3) (acquisition of subsoil or airspace only) of the A30 Chiverton to Carland Cross Development Consent Order 20[•], which excludes the acquisition of subsoil or airspace only from this Schedule”; and

(b) after paragraph 29, end insert—

(a) As inserted by section 202(1) of the Housing and Planning Act 2016 (c. 22).

(b) As inserted by section 186(3) of the Housing and Planning Act 2016 (c. 22).

“PART 4

INTERPRETATION

30. In this Schedule, references to entering on and taking possession of land do not include doing so under article 21 (protective works to buildings), 33 (temporary use of land for carrying out the authorised development) or 34 (temporary use of land for maintaining the authorised development) of the A30 Chiverton to Carland Cross Development Consent Order 20[•].”.

Application of the 1981 Act

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

(2) The 1981 Act, as applied by paragraph (1), has effect with the following modifications.

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

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

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

(5) Omit section 5A(a) (time limit for general vesting declaration).

(6) In section 5B(b) (extension of time limit during challenge) for “section 23 of the Acquisition of Land Act 1981 (application to High Court in respect of compulsory purchase order), the three year period mentioned in section 5A” substitute “section 118(c) (legal challenges relating to applications for orders granting development consent) of the Planning Act 2008, the five year period mentioned in article 25 (time limit for exercise of authority to acquire land compulsorily) of the A30 Chiverton to Carland Cross Development Consent Order 20[•]”.

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

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

“(2) But see article 31(3) (acquisition of subsoil or airspace only) of the A30 Chiverton to Carland Cross Development Consent Order 20[•], which excludes the acquisition of subsoil or airspace only from this Schedule.”

(9) References to the 1965 Act in the 1981 Act are to be construed as references to the 1965 Act as applied by section 125 (application of compulsory acquisition provisions) of the 2008 Act (and as modified by article 29 (modification of Part 1 of the 1965 Act)) to the compulsory acquisition of land under this Order.

Acquisition of subsoil or airspace only

31.—(1) The undertaker may acquire compulsorily so much of, or such rights in, the subsoil of or the airspace over the land referred to in paragraph (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.

(a) Inserted by section 182(2) of the Housing and Planning Act 2016 (c. 22).

(b) As inserted by section 202(2) of Schedule 3 to the Housing and Planning Act 2016 (c. 22).

(c) As amended by paragraphs 1 and 59 of Schedule 13, and Part 20 of Schedule 25, to the Localism Act 2011 (c. 20) and section 92(4) of the Criminal Justice and Courts Act 2015 (c. 2).

(d) As amended by paragraph 52(2) of Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c. 11) and paragraph 7 of Schedule 15 to the Housing and Planning Act 2016 (c. 22).

(e) As amended by section 142 of, and Part 21 of Schedule 25 to, the Localism Act 2011 (c. 20) and S.I. 2012/16.

(f) As inserted by paragraph 6 of Schedule 18 to the Housing and Planning Act 2016 (c. 22).

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

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

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

(4) Paragraphs (2) and (3) are to be disregarded where the undertaker acquires a cellar, vault, arch or other construction forming part of a house, building or manufactory or airspace above a house, building or manufactory.

Rights under or over streets

32.—(1) The undertaker may enter on and appropriate so much of the subsoil of, or airspace over, any street within the Order limits as may be required for the purposes of the authorised development and may use the subsoil or airspace 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 in respect of which the power of appropriation conferred by paragraph (1) is exercised without the undertaker acquiring any part of that person's interest in the land, and who suffers loss 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 a statutory undertaker to whom section 85 (sharing of cost of necessary measures) of the 1991 Act applies in respect of measures of which the allowable costs are to be borne in accordance with that section.

Temporary use of land for carrying out the authorised development

33.—(1) The undertaker may, in connection with the carrying out of the authorised development, but subject to article 25(2) (time limit for exercise of authority to acquire land compulsorily)—

(a) enter on and take temporary possession of—

- (i) the land specified in columns (1) and (2) of Schedule 7 (land of which temporary possession may be taken) for the purpose specified in relation to that land in column (3) of that Schedule relating to the part of the authorised development specified in column (4) of that Schedule; and
- (ii) any other Order land in respect of which no notice of entry has been served under section 11(a) (powers of entry) of the 1965 Act and no declaration has been made

(a) Section 11 was amended by section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (No. 1) and S.I. 2009/1307.

under section 4 (execution of declaration) of the 1981 Act (other than in connection with the acquisition of rights only);

- (b) remove any buildings and vegetation from that land;
- (c) construct temporary works (including the provision of means of access) and buildings on that land; and
- (d) construct any permanent works specified in relation to that land in column (3) of Schedule 7 (land of which temporary possession may be taken), or any other mitigation works in connection with the authorised development.

(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 and explain the purpose for which entry is taken in respect of land specified under paragraph (1)(a)(ii).

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

- (a) in the case of land specified in paragraph (1)(a)(i), after the end of the period of one year beginning with the date of completion of the part of the authorised development specified in relation to that land in column (4) of Schedule 7 (land of which temporary possession may be taken); or
- (b) in the case of any land referred to in paragraph (1)(a)(ii), after the end of the period of one year beginning with the date of completion of the work for which temporary possession of the land was taken unless the undertaker has, by the end of that period, served a notice of entry under section 11 of the 1965 Act or made a declaration under section 4 of the 1981 Act in relation to that land.

(4) 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; but the undertaker is not required to—

- (a) replace a building removed under this article;
- (b) restore the land on which any permanent works (including ground strengthening works) have been constructed under paragraph (1)(d); or
- (c) remove any measures installed over or around statutory undertakers' apparatus to protect that apparatus from 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 powers conferred by this article.

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

(7) Nothing in this article affects any liability to pay compensation under section 152 (compensation in case where no right to claim in nuisance) of the 2008 Act 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) except that the undertaker is not to be precluded from—

- (a) acquiring new rights over any part of that land under article 26 (compulsory acquisition of rights); or
- (b) acquiring any part of the subsoil of or airspace over (or rights in the subsoil of or airspace over) that land under article 31 (acquisition of subsoil or airspace only).

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

(11) Paragraph (1)(a)(ii) does not authorise the undertaker to take temporary possession of any land which the undertaker is not authorised to acquire under article 23 (compulsory acquisition of land) or article 26 (compulsory acquisition of rights).

Temporary use of land for maintaining the authorised development

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

- (a) enter upon and take temporary possession of any land within the Order limits if such possession is reasonably required for the purpose of maintaining the authorised development;
- (b) enter on any land within the Order limits for the purpose of gaining such access as is reasonably required for the purpose of maintaining the authorised development; and
- (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 upon and taking temporary possession of land under this article the undertaker must serve notice of the intended entry on the owners and occupiers of the land explaining the purpose for which entry is to be taken.

(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 powers conferred by this article.

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

(8) Nothing in this article affects any liability to pay compensation under section 152 (compensation in case where no right to claim in nuisance) of the 2008 Act or under any other enactment in respect of loss or damage arising from the execution of any works, 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 (refusal to give possession to acquiring authority) of the 1965 Act applies to the temporary use of land under this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 (application of compulsory acquisition provisions) of the 2008 Act.

(a) Section 13 was amended by sections 62(3) and 139 of, and paragraphs 27 and 28 of Schedule 13, and part 3 of Schedule 23, to, the Tribunals, Courts and Enforcement Act 2007 (c. 15).

(11) In this article “the maintenance period”, in relation to any part of the authorised development, means the period of 5 years beginning with the date on which that part of the authorised development is first opened for use.

Statutory undertakers

35.—(1) Subject to the provisions of article 26(3) (compulsory acquisition of rights), Schedule 9 (protective provisions) and paragraph (2), the undertaker may—

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

(2) Paragraph (1)(b) has no effect in relation to apparatus in respect of which the following provisions apply—

- (a) Part 3 (street works in England and Wales) of the 1991 Act; and
- (b) article 36 (apparatus and rights of statutory undertakers in stopped up streets).

Apparatus and rights of statutory undertakers in stopped up streets

36.—(1) Where a street is stopped up under article 16 (permanent stopping up and restriction of use of streets and private means of access), 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 16 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) is to 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 are to be determined in accordance with section 85 (sharing of cost of necessary measures) of that Act and any regulations for the time being having effect under that section; and
- (b) the allowable costs are to be borne by the undertaker and the statutory utility in such proportions as may be prescribed by any such regulations.

(8) In this article—

“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).

Recovery of costs of new connections

37.—(1) Where any apparatus of a public utility undertaker or of a public communications provider is removed under article 35 (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 35, 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 article 36 (apparatus and rights of statutory undertakers in stopped up streets) or Part 3 of the 1991 Act applies.

(4) In this paragraph—

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

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

Special category land

38.—(1) The special category land is not to vest in the undertaker until the undertaker has acquired the replacement land and the Secretary of State (in consultation with the relevant

(a) 2003 c. 21.

planning authority) has certified that a satisfactory scheme for the provision of the replacement land as open space and a satisfactory timetable for the implementation of the scheme has been received from the undertaker.

(2) On the requirements of paragraph (1) being satisfied, the special category land is to vest in the undertaker and be discharged from all rights, trusts and incidents to which it was previously subject.

(3) On the date on which the replacement land is laid out and provided in accordance with the scheme requirements at paragraph (1), the replacement land is to vest in the person(s) in whom the special category land was vested immediately before it was vested in the undertaker and is to be subject to the same rights, trusts and incidents as attached to the special category land.

(4) In this article—

“the special category land” means the land numbered 9/3 and 9/3a in the book of reference and on the land plans and forming part of open space which may be acquired compulsorily under this Order;

“the replacement land” means the land identified as such and numbered 9/4h in the book of reference and on the land plans.

PART 6 OPERATIONS

Felling or lopping of trees and removal of hedgerows

39.—(1) The undertaker may fell or lop any tree or shrub, or cut back its roots, within or overhanging land within the Order limits 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 using the authorised development.

(2) In carrying out any activity authorised by paragraph (1), the undertaker must—

- (a) do no unnecessary damage to any tree or shrub;
- (b) pay compensation to any person for any loss or damage arising from such activity; and
- (c) take steps to avoid a breach of the provisions of the Wildlife and Countryside Act 1981^(a) and the Conservation of Habitats and Species Regulations 2017^(b) or any successor acts and regulations.

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

(4) The undertaker may, for the purposes of carrying out the authorised development but subject to paragraph (2), remove any hedgerow within the Order limits that is required to be removed.

(5) In this article “hedgerow” has the same meaning as in the Hedgerows Regulations 1997^(c) and includes important hedgerows.

Trees subject to tree preservation orders

40.—(1) The undertaker may fell or lop any tree described in Schedule 8 (trees subject to tree preservation orders), cut back its roots or undertake such other works described in column (2) of

(a) 1981 c. 69.
(b) S.I. 2017/1012.
(c) S.I. 1997/1160.

that Schedule relating to the relevant part of the authorised development described in column (3) of that Schedule, if the undertaker 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 using the authorised development.

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

- (a) the undertaker must do no unnecessary damage to any tree or shrub and must pay compensation to any person for any loss or damage arising from such activity;
- (b) the duty contained in section 206(1) (replacement of trees) of the 1990 Act is not to apply although where possible the undertaker is to seek to replace any trees which are removed; and
- (c) the undertaker must consult the relevant planning authority prior to that activity taking place.

(3) The authority given in 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 (determination of questions of disputed compensation) of the 1961 Act.

PART 7

MISCELLANEOUS AND GENERAL

Application of landlord and tenant law

41.—(1) This article applies to—

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

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

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

(3) 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.

Operational land for purposes of the 1990 Act

42. Development consent granted by this Order is to be treated as specific planning permission for the purposes of section 264(3)(a) (cases in which land is to be treated as operational land for the purposes of that Act) of the 1990 Act.

Defence to proceedings in respect of statutory nuisance

43.—(1) Where proceedings are brought under section 82(1) (summary proceedings by person aggrieved by statutory nuisance) of the Environmental Protection Act 1990^(a) in relation to a nuisance falling within paragraph (fb), (g) or (ga) of section 79(1) (statutory nuisances and inspections therefor) of that Act no order is to 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 sites), or a consent given under section 61 (prior consent for work on construction sites), 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
 - (iii) 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 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.

Protective provisions

44. Schedule 9 (protective provisions) has effect.

Certification of plans etc.

45.—(1) The undertaker must, as soon as practicable after the making of this Order, submit to the Secretary of State copies of each of the plans and documents set out in Schedule 10 (documents to be certified) for certification that they are true copies of the plans and documents referred to in this Order.

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

Service of notices

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

- (a) by post;
- (b) by delivering it to the person on whom it is to be served or to whom it is to be given or supplied; or

(a) 1990 c. 43.

(b) 1974 c. 40.

(c) with the consent of the recipient and subject to paragraphs (5) to (8) by electronic transmission.

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

(3) For the purposes of section 7 (references to service by post) of the Interpretation Act 1978(a) as it applies for the purposes of this article, the proper address of any person in relation to the service on that person of a notice or document under paragraph (1) is, if that person has given an address for service, that address, and otherwise—

(a) in the case of the secretary or clerk of a body corporate, the registered or principal office of that body; and

(b) in any other case, the last known address of that person at the time of service.

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

(a) addressing it to that person by name or by the description of “owner”, or as the case may be “occupier”, of the land (describing it); and

(b) either leaving it in the hands of a person who is or appears to be resident or employed on the land or leaving it conspicuously affixed to some building or object on or near the land.

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

(a) the recipient of the notice or other document to be transmitted has given consent to the use of electronic transmission in writing or by electronic transmission;

(b) the notice or document is capable of being accessed by the recipient;

(c) the notice or document is legible in all material respects; and

(d) the notice or document is in a form sufficiently permanent to be used for subsequent reference.

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

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

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

(a) that person must give notice in writing or by electronic transmission revoking any consent given by that person for that purpose; and

(b) such revocation is final and takes effect on a date specified by the person in the notice but that date must not be less than 7 days after the date on which the notice is given.

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

(10) In this article “legible in all material respects” 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

47. Except where otherwise expressly provided for in this Order and unless otherwise agreed between the parties, any difference under any provision of this Order (other than a difference which falls to be determined by the tribunal) must be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after giving notice in writing to the other) by the President of the Institution of Civil Engineers.

Appeals relating to the Control of Pollution Act 1974

48.—(1) The undertaker may appeal in the event that a local authority issues a notice under section 60 (control of noise on construction sites), or does not give consent or grants consent but subject to conditions, under section 61 (prior consent for work on construction sites) of the Control of Pollution Act 1974.

(2) The appeal process is as follows—

- (a) any appeal by the undertaker must be made within 42 days of the date of the notice of the decision, or the date by which a decision was due to be made, as the case may be;
- (b) the undertaker must submit the appeal documentation to the Secretary of State and must on the same day provide copies of the appeal documentation to the local authority and affix a notice to a conspicuous object on or near the site of the works which are the subject of such appeal, which must give details of the decision of the local authority and notice that an appeal has been made together with the address within the locality where the appeal documents may be inspected and details of the manner in which representations on the appeal may be made;
- (c) as soon as is practicable after receiving the appeal documentation, the Secretary of State must appoint a person to consider the appeal (“the appointed person”) and must notify the appeal parties of the identity of the appointed person, a start date and the address to which all correspondence for their attention should be sent;
- (d) the local authority must submit their written representations to the appointed person in respect of the appeal within 10 business days of the start date and must ensure that copies of their written representations and any other representations as sent to the appointed person 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 must make any counter-submissions to the appointed person within 10 business days of receipt of written representations under sub-paragraph (d); and
- (f) the appointed person must make a decision and notify it to the appeal parties, with reasons, as soon as reasonably practicable.

(3) The appointment of the person under sub-paragraph (2)(c) may be undertaken by a person appointed by the Secretary of State for this purpose instead of by the Secretary of State.

(4) In the event that the appointed person considers that further information is necessary to enable the appointed person 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 is to be submitted.

(5) Any further information required under sub-paragraph (4) 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. The appointed person must notify the appeal parties of the revised timetable for the appeal on or before that day. The revised timetable for the appeal must require submission of written representations to the appointed person within 10 business days of the agreed date but must otherwise be in accordance with the process and time limits set out in sub-paragraphs (2)(c) to (e).

(6) On an appeal under this paragraph, the appointed person may—

- (a) allow or dismiss the appeal; or

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

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

(7) The appointed person may proceed to a decision on an appeal taking into account such written representations as have been sent within the relevant time limits and in the sole discretion of the appointed person such written representations as have been sent outside the relevant time limits.

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

(9) 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.

(10) Except where a direction is given under sub-paragraph (11) requiring some or all of the costs of the appointed person to be paid by the local authority, the reasonable costs of the appointed person must be met by the undertaker.

(11) The appointed person may give directions as to the costs of the appeal and as to the parties by whom such costs are to be paid. In considering whether to make any such direction and the terms on which it is to be made, the appointed person must have regard to the relevant Planning Practice Guidance published by the Department for Communities and Local Government or such guidance as may from time to time replace it.

Signed by authority of the Secretary of State for Transport

[Date]

[Name]
[Title]
[Department]

SCHEDULES

SCHEDULE 1

Articles 2, 5 and 6

AUTHORISED DEVELOPMENT

In the administrative area of Cornwall Council

The authorised development is a nationally significant infrastructure project as defined in sections 14 and 22 of the 2008 Act^(a) and associated development within the meaning of section 115(2) of the 2008 Act, comprising—

Work No. 1 – the construction of a new A30 dual carriageway road approximately 14 kilometres in length between a point 985 metres to the west of Work No. 3 and a point 956 metres to the east of Work No. 5. To include—

- (a) the construction of drainage attenuation pond no. 1 with associated drainage facilities, access and landscaping at the location shown on sheet 1 of the works plans;
- (b) the construction of drainage attenuation pond no. 2 with associated drainage facilities, access and landscaping at the location shown on sheet 1 of the works plans;
- (c) the construction of drainage attenuation pond no. 4 with associated drainage facilities, access and landscaping at the location shown on sheet 1 of the works plans;
- (d) the construction of drainage attenuation pond no. 6 with associated drainage facilities, access and landscaping at the location shown on sheet 3 of the works plans;
- (e) the construction of drainage attenuation pond no. 9 with associated drainage facilities, access and landscaping at the location shown on sheet 4 of the works plans;
- (f) the construction of drainage attenuation pond no. 10 with associated drainage facilities, access and landscaping at the location shown on sheet 4 of the works plans;
- (g) the construction of drainage attenuation pond no. 12 with associated drainage facilities, access and landscaping at the location shown on sheet 5 of the works plans;
- (h) the construction of drainage attenuation pond no. 14 with associated drainage facilities, access and landscaping at the location shown on sheet 6 of the works plans;
- (i) the construction of drainage attenuation pond no. 16 with associated drainage facilities, access and landscaping at the location shown on sheet 7 of the works plans;
- (j) the construction of drainage attenuation pond no. 18 with associated drainage facilities, access and landscaping at the location shown on sheet 8 of the works plans;
- (k) the construction of drainage attenuation pond no. 19 with associated drainage facilities, access and landscaping at the location shown on sheet 8 of the works plans;
- (l) the construction of drainage attenuation pond no. 20 with associated drainage facilities, access and landscaping at the location shown on sheet 8 of the works plans;
- (m) the construction of a green bridge over the main carriageway of the new A30 and the existing A30 at Marazanvose and associated construction compound no. 4 of approximately 12149 square metres at the location shown on sheet 4 of the works plans, to include provision for a private means of access and access for walking, cycling and horse riding;
- (n) the demolition of Marazan Farm House and associated outbuildings at the location shown on sheet 4 of the works plans;

(a) Section 22 was substituted by article 3 of S.I. 2013/1883.

- (o) the demolition of the barn at Nancarrow Farm at the location shown on sheet 4 of the works plans;
- (p) the demolition of the buildings at Hill View Farm at the location shown on sheet 3 of the works plans;
- (q) the construction of approximately 40 metres of reinforced earth slope around the pylon to the north of the new A30 dual carriageway at Nancarrow Farm at the location shown on sheet 5 of the works plans;
- (r) the construction of approximately 10 metres of reinforced earth slope at the location shown on sheet 8 of the works plans;
- (s) the construction of a walking, cycling, horse riding, multispecies underbridge under the main carriageway of the new A30 at Church Lane at the location shown on sheet 5 of the works plans;
- (t) the construction of a walking, cycling, horse riding, multispecies underbridge under the main carriageway of the new A30 at Newlyn Downs at the location shown on sheet 8 of the works plans;
- (u) the construction of four public laybys on the eastbound carriageway of the new A30 and five public laybys on the westbound carriageway of the new A30 at the locations shown on sheets 2 to 7 of the works plans;
- (v) the construction of thirteen private laybys for maintenance use on the eastbound carriageway of the new A30 and fifteen private laybys for maintenance use on the westbound carriageway of the new A30 at the locations shown on sheets 1 to 8 of the works plans;
- (w) the construction of six emergency access points onto the new A30 at the locations shown on sheets 4 to 6 of the works plans;
- (x) construction compound no. 1 of approximately 15639 square metres at the location shown on sheet 1 of the works plans;
- (y) construction compound no. 3 of approximately 44244 square metres at the location shown on sheet 4 of the works plans;
- (z) construction compound no. 5 of approximately 35801 square metres at the location shown on sheet 5 of the works plans;
- (aa) construction compound no. 9 of approximately 51849 square metres at the location shown on sheet 8 of the works plans;
- (bb) the construction of drainage culverts at the locations shown on sheets 2 to 6 and 8 of the works plans;
- (cc) the construction of wildlife crossings at the locations shown on sheets 1 to 8 of the works plans;
- (dd) the construction of a walking, cycling and horse riding underbridge under the main carriageway and slip roads at Chiverton Cross at the location shown on sheet 1 of the works plans;
- (ee) the construction of a stabilised earthworks slope adjacent to the quarry pond at the location shown on sheet 7 of the works plans;
- (ff) works to cap mineshafts at the locations shown on sheets 6 and 7 of the works plans.

Work No. 2 – the re-alignment of the existing A30. To include—

- (a) the re-alignment of the existing A30 from point C on sheet 2 of the works plans to point D on sheet 3 of the works plans;
- (b) the re-alignment of the existing A30 from point G on sheet 4 of the works plans to point H on sheet 5 of the works plans;
- (c) the closure of approximately 380 metres of the unnamed road C0089 at the location shown on sheet 5 of the works plans;

- (d) the construction of drainage attenuation pond no. 5 with associated drainage facilities, access and landscaping at the location shown on sheet 3 of the works plans;
- (e) the construction of drainage attenuation pond no. 11 with associated drainage facilities, access and landscaping at the location shown on sheet 5 of the works plans.

Work No. 3 – the construction of a new grade separated junction at Chiverton shown on sheet 1 of the works plans. To include—

- (a) the construction of a new eastbound off-slip from the main carriageway of the new A30, approximately 615 metres in length;
- (b) the construction of a new eastbound on-slip to the main carriageway of the new A30, approximately 399 metres in length;
- (c) the construction of a new westbound off-slip from the main carriageway of the new A30, approximately 513 metres in length;
- (d) the construction of a new westbound on-slip to the main carriageway of the new A30, approximately 475 metres in length;
- (e) the construction of two new overbridges over the junction circulatory carriageway of the new A30;
- (f) the re-alignment of approximately 851 metres of the B3277 to include provision for non-motorised users;
- (g) the partial closure and re-alignment of approximately 767 metres of the A3075 north of the new A30, to include provision for non-motorised users;
- (h) the re-alignment of the existing A30 between points A and B on sheet 1 of the works plans, to include provision for non-motorised users;
- (i) the re-alignment of approximately 1078 metres of the A390 to include provision for non-motorised users;
- (j) the re-alignment of approximately 95 metres of the unclassified road U6072 to include provision for non-motorised users;
- (k) the re-alignment of approximately 45 metres of the unnamed road C0005 to include provision for non-motorised users;
- (l) the closure and demolition of the existing A30 Chiverton Cross Roundabout;
- (m) the construction of drainage attenuation pond no. 3 with associated drainage facilities, access and landscaping;
- (n) the construction of a public rest area on the realigned B3277;
- (o) the construction of a walking, cycling and horse riding link to the north and south of the junction circulatory carriageway of the new A30;
- (p) the construction of an unclassified road to access Trevisson Park.

Work No. 4 – the construction of a new grade separated dumbbell junction at Chybucca. To include—

- (a) a new roundabout north of the main carriageway of the new A30 at the location shown on sheet 3 of the works plans;
- (b) a new roundabout south of the main carriageway of the new A30 at the location shown on sheet 3 of the works plans;
- (c) a new overbridge over the main carriageway of the new A30 at the location shown on sheet 3 of the works plans;
- (d) the construction of a new eastbound off-slip from the main carriageway of the new A30, approximately 486 metres in length;
- (e) the construction of a new westbound on-slip to the main carriageway of the new A30, approximately 374 metres in length;

- (f) the construction of drainage attenuation pond no. 7 with associated drainage facilities, access and landscaping at the location shown on sheet 3 of the works plans;
- (g) the re-alignment of approximately 852 metres of the B3284 to join Work No. 4(a), to include provision for walking, cycling and horse riding;
- (h) the re-alignment of approximately 147 metres of the B3284 to join Work No. 4(b), to include provision for walking, cycling and horse riding;
- (i) the re-alignment of the existing A30 between points E and F on sheets 3 and 4 of the works plans, to include provision for walking, cycling and horse riding;
- (j) the re-alignment of the existing A30 between points D and E on sheet 3 of the works plans, to include provision for non-motorised users.

Work No. 5 – the construction of a new grade separated junction at Carland Cross at the location shown on sheet 8 of the works plans. To include—

- (a) a new roundabout north of the main carriageway of the new A30;
- (b) the re-configuration of the existing Carland Cross roundabout south of the main carriageway of the new A30;
- (c) two new overbridges over the junction connector road carriageway of the new A30;
- (d) the construction of a new westbound on-slip to the main carriageway of the new A30, approximately 332 metres in length;
- (e) the construction of a new westbound off-slip from the main carriageway of the new A30, approximately 611 metres in length;
- (f) the re-alignment of the existing A30 between points I and J;
- (g) the reconfiguration of the existing access to the Carland Cross Windfarm and the construction of new access tracks;
- (h) the construction of a new eastbound on-slip to the main carriageway of the new A30, approximately 334 metres in length;
- (i) the construction of a new eastbound off-slip from the main carriageway of the new A30, approximately 569 metres in length;
- (j) the closure and demolition of approximately 489 metres of the existing A30 between points K and L;
- (k) the construction of drainage attenuation pond no. 17 with associated drainage facilities, access and landscaping;
- (l) the construction of a track for walking, cycling and horse riding connecting the southern roundabout at Carland Cross with the underbridge at Work No. 1(t) and a track for walking, cycling and horse riding from Carland Cross to Mitchell;
- (m) the diversion of the cables serving Carland Cross Wind Farm.

Work No. 6 – works to Allet Road for access across the new A30 at Tresawsen at the location shown on sheet 4 of the works plans. To include—

- (a) the construction of an underbridge under the main carriageway of the new A30;
- (b) the re-alignment of approximately 338 metres of the Allet Road;
- (c) the conversion of approximately 306 metres of the Allet Road to an emergency access track;
- (d) the construction of drainage attenuation pond no. 8 with associated drainage facilities, access and landscaping;
- (e) construction compound no. 2 of approximately 12675 square metres.

Work No. 7 – the stopping up of the public highway at Marazanvose. To include the construction of a turning head and access to the footpath at Nancarrow Farm at the location shown on sheet 4 of the works plans.

Work No. 8 – the retention and continued use of the Two Barrows underbridge at the location shown on sheet 5 of the works plans. To include—

- (a) the retention and continued use of the access under the existing A30 for Shortlanesend Road;
- (b) the construction of a new road to connect the realigned existing A30 with the unnamed road C0364;
- (c) the stopping up of unnamed road C0089 to the existing A30 and retention for access only to St Freda Nursery.

Work No. 9 – the demolition and replacement of the existing bridge at Tolgroggan Farm at the location shown on sheet 5 of the works plans. To include—

- (a) the construction of a new overbridge over the main carriageway of the new A30 and the realigned A30;
- (b) construction compound no. 6 of approximately 3352 square metres.

Work No. 10 – the construction of an underbridge under the main carriageway of the new A30 and the existing A30 at the location shown on sheet 6 of the works plans. To include—

- (a) the re-alignment of approximately 247 metres of Henver Lane;
- (b) works to the junction with Zelah and the existing A30;
- (c) the construction of drainage attenuation pond no. 13 with associated drainage facilities, access and landscaping;
- (d) construction compound no. 7 of approximately 5160 square metres.

Work No. 11 – the construction of an underbridge at Pennycomequick at the location shown on sheet 6 of the works plans. To include—

- (a) the re-alignment of approximately 382 metres of the unnamed road C0075;
- (b) the conversion of approximately 118 metres of the existing unnamed road C0075 to an emergency access point;
- (c) the construction of drainage attenuation pond no. 15 with associated drainage facilities, access and landscaping;
- (d) the construction of a field access track.

Work No. 12 – the closure of the junction at unclassified road U6093 where it meets the existing A30 and the re-alignment of approximately 128 metres of unclassified road U6093 at the location shown on sheet 7 of the works plans;

Work No. 13 – the diversion of 1646 metres of telecoms equipment at the location shown on sheets 1 and 2 of the works plans.

Work No. 14 – the diversion of 587 metres of water pipeline at the location shown on sheet 1 of the works plans.

Work No. 15 – the diversion of 375 metres of power cables at the location shown on sheet 1 of the works plans.

Work No. 16 – the diversion of 319 metres of water pipeline at the location shown on sheet 1 of the works plans.

Work No. 17 – the diversion of 560 metres of telecoms equipment at the location shown on sheets 1 and 2 of the works plans.

Work No. 18 – the diversion of 113 metres of telecoms equipment at the location shown on sheet 2 of the works plans.

Work No. 19 – the diversion of 812 metres of power cables at the location shown on sheet 2 of the works plans.

Work No. 20 – the diversion of 60 metres of power cables at the location shown on sheet 2 of the works plans.

Work No. 21 – the diversion of 223 metres of telecoms equipment at the location shown on sheet 3 of the works plans.

Work No. 22 – the diversion of 1468 metres of gas pipeline at the location shown on sheet 3 of the works plans.

Work No. 23 – the diversion of 330 metres of telecoms equipment at the location shown on sheet 4 of the works plans.

Work No. 24 – the diversion of 133 metres of power cables at the location shown on sheet 4 of the works plans.

Work No. 25 – the diversion of 507 metres of water pipeline at the location shown on sheet 4 of the works plans.

Work No. 26 – the diversion of 68 metres of power cables at the location shown on sheet 4 of the works plans.

Work No. 27 – the diversion of 89 metres of telecoms equipment at the location shown on sheet 4 of the works plans.

Work No. 28 – the diversion of 136 metres of power cables at the location shown on sheet 4 of the works plans.

Work No. 29 – the diversion of 99 metres of telecoms equipment at the location shown on sheet 4 of the works plans.

Work No. 30 – the diversion of 203 metres of telecoms equipment at the location shown on sheet 5 of the works plans.

Work No. 31 – the diversion of 504 metres of water pipeline at the location shown on sheet 5 of the works plans.

Work No. 32 – the diversion of 91 metres of power cables at the location shown on sheet 5 of the works plans.

Work No. 33 – the diversion of 525 metres of telecoms equipment at the location shown on sheet 5 of the works plans.

Work No. 34 – the diversion of 65 metres of telecoms equipment at the location shown on sheet 5 of the works plans.

Work No. 35 – the diversion of 79 metres of telecoms equipment at the location shown on sheet 5 of the works plans.

Work No. 36 – the diversion of 908 metres of water pipeline at the location shown on sheets 5 and 6 of the works plans.

Work No. 37 – the diversion of 159 metres of power cables at the location shown on sheet 6 of the works plans.

Work No. 38 – the diversion of 227 metres of telecoms equipment at the location shown on sheet 6 of the works plans.

Work No. 39 – the diversion of 87 metres of telecoms equipment at the location shown on sheet 6 of the works plans.

Work No. 40 – the relocation of an electricity pole at the location shown on sheet 6 of the works plans.

Work No. 41 – the diversion of 323 metres of telecoms equipment at the location shown on sheet 6 of the works plans.

Work No. 42 – the diversion of 100 metres of power cables at the location shown on sheet 6 of the works plans.

Work No. 43 – the diversion of 146 metres of power cables at the location shown on sheet 7 of the works plans.

Work No. 44 – the diversion of 1016 metres of telecoms equipment at the location shown on sheet 8 of the works plans.

Work No. 45 – the diversion of 850 metres of gas pipeline at the location shown on sheet 8 of the works plans.

Work No. 46 – the diversion of 443 metres of water pipeline at the location shown on sheet 8 of the works plans.

Work No. 47 – the diversion of 483 metres of telecoms equipment at the location shown on sheet 8 of the works plans.

Work No. 48 – the diversion of 165 metres of telecoms equipment at the location shown on sheet 1 of the works plans.

Work No. 49 – the diversion of 215 metres of telecoms equipment at the location shown on sheet 1 of the works plans.

Work No. 50 – the diversion of 103 metres of telecoms equipment at the location shown on sheet 1 of the works plans.

Work No. 51 – the diversion of 61 metres of telecoms equipment at the location shown on sheet 1 of the works plans.

Work No. 52 – the diversion of 23 metres of telecoms equipment at the location shown on sheet 1 of the works plans.

Work No. 53 – the diversion of 19 metres of telecoms equipment at the location shown on sheet 1 of the works plans.

Work No. 54 – the diversion of 210 metres of telecoms equipment at the location shown on sheet 2 of the works plans.

Work No. 55 – the diversion of 653 metres of telecoms equipment at the location shown on sheet 3 of the works plans.

Work No. 56 – the diversion of 17 metres of telecoms equipment at the location shown on sheet 3 of the works plans.

Work No. 57 – the diversion of 300 metres of power cables at the location shown on sheet 3 of the works plans.

Work No. 58 – the diversion of 422 metres of telecoms equipment at the location shown on sheet 3 of the works plans.

Work No. 59 – the diversion of 47 metres of telecoms equipment at the location shown on sheet 4 of the works plans.

Work No. 60 – the diversion of 11 metres of telecoms equipment at the location shown on sheet 4 of the works plans.

Work No. 61 – the diversion of 11 metres of telecoms equipment at the location shown on sheet 4 of the works plans.

Work No. 62 – the diversion of 58 metres of telecoms equipment at the location shown on sheet 4 of the works plans.

Work No. 63 – the diversion of 62 metres of power cables at the location shown on sheet 4 of the works plans.

Work No. 64 – the diversion of 48 metres of telecoms equipment at the location shown on sheet 4 of the works plans.

Work No. 65 – the diversion of 71 metres of telecoms equipment at the location shown on sheet 4 of the works plans.

Work No. 66 – the diversion of 158 metres of water pipeline at the location shown on sheet 5 of the works plans.

Work No. 67 – the diversion of 1331 metres of telecoms equipment at the location shown on sheet 5 of the works plans.

Work No. 68 – the diversion of 274 metres of telecoms equipment at the location shown on sheet 6 of the works plans.

Work No. 69 – the diversion of 368 metres of telecoms equipment at the location shown on sheet 6 of the works plans.

Work No. 70 – the diversion of 105 metres of power cables at the location shown on sheet 7 of the works plans.

Work No. 71 – the diversion of 160 metres of telecoms equipment at the location shown on sheet 7 of the works plans.

Work No. 72 – the diversion of 131 metres of telecoms equipment at the location shown on sheet 8 of the works plans.

Work No. 73 – the diversion of 26 metres of telecoms equipment at the location shown on sheet 1 of the works plans.

Work No. 74 – the demolition of an abandoned oil pipeline at the location shown on sheet 7 of the works plans.

In connection with the construction of any of those works, further development within the Order limits consisting of—

- (a) works required for the strengthening, improvement, maintenance or reconstruction of any street;
- (b) the strengthening, alteration or demolition of any structure;
- (c) ramps, means of access including private means of access, public rights of way and crossing facilities;
- (d) embankments, abutments, shafts, foundations, retaining walls, barriers, parapets, drainage, outfalls, ditches, wing walls, highway lighting, fencing and culverts;
- (e) works to place, alter, remove or maintain street furniture or apparatus in a street, or apparatus in other land, including mains, sewers, drains, pipes, cables and ducts;
- (f) works to alter the course of or otherwise interfere with a watercourse, including private water supplies;
- (g) landscaping, noise bunds and barriers, works associated with the provision of ecological mitigation and other works to mitigate any adverse effects of the construction, maintenance or operation of the authorised development;
- (h) works for the benefit or protection of land affected by the authorised development;
- (i) site preparation works, site clearance (including fencing, vegetation removal, demolition of existing structures); earthworks (including soil stripping and storage, site levelling); remediation of contamination;

- (j) the felling of trees;
- (k) working sites, storage areas, temporary vehicle parking, construction fencing, perimeter enclosure, security fencing, construction-related buildings, temporary worker accommodation facilities, welfare facilities, construction lighting, haulage roads and other buildings, machinery, apparatus, works and conveniences; and
- (l) the provision of other works including pavement works, kerbing and paved areas works, signing, signals, gantries, road markings works, traffic management measures including temporary roads and such other works as are associated with the construction of the authorised development.

SCHEDULE 2 REQUIREMENTS

Article 5

PART 1 REQUIREMENTS

Interpretation

1. In this Schedule—

“CEMP” means the construction environmental management plan;

“contaminated land” has the same meaning as that given in section 78A of the Environmental Protection Act 1990;

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

“Ecological Clerk of Works” means the individual appointed as such by the undertaker;

“HEMP” means the handover environmental management plan, being the CEMP to be developed towards the end of the construction of the authorised development which is to contain—

- (a) the environmental information needed for the future maintenance and operation of the authorised development;
- (b) the long-term commitments to aftercare, monitoring and maintenance activities relating to the environmental features and mitigation measures that will be required to ensure the continued long-term effectiveness of the environmental mitigation measures and the prevention of unexpected environmental impacts during the operation of the authorised development; and
- (c) a record of the consents, commitments and permissions resulting from liaison with statutory bodies.

“protected species” means species which are subject to protection under the laws of England or which are European protected species.

Time limits

2. The authorised development must not commence later than the expiration of 5 years beginning with the date on which this Order comes into force.

Construction Environmental Management Plan

3.—(1) No part of the authorised development is to commence until a CEMP has been prepared in consultation with the relevant planning authority and the local highway authority and submitted to and approved in writing by the Secretary of State.

(2) The CEMP must—

- (a) be substantially in accordance with the outline construction environmental management plan certified under article 45 (certification of plans etc.);
- (b) contain a record of all the sensitive environmental features that have the potential to be affected by the construction of the proposed development;
- (c) incorporate the measures referred to in the environmental statement as being incorporated in the CEMP;

(d) require adherence to working hours of 07:30 to 19:30 on Mondays to Saturdays from 1 March to 31 October, 07:30 to 18:00 on Mondays to Saturdays from 1 November to 28 February and 08:00 to 13:00 on Sundays, except for—

- (i) traffic management activities;
- (ii) bridge beam lifts;
- (iii) demolition operations requiring the full or partial temporary closure of roads;
- (iv) surfacing works at tie-in locations;
- (v) importation of materials during peak holiday seasons;
- (vi) the provision of services at compounds, including CCTV and vehicle recovery; and
- (vii) any emergency works.

(3) The authorised development must be constructed in accordance with the approved CEMP.

(4) Upon completion of construction of the authorised development the CEMP must be converted into the HEMP. The HEMP must be submitted to the Secretary of State for approval within 28 days of the opening of the authorised development for public use.

(5) The authorised development must be operated and maintained in accordance with the HEMP approved under paragraph (4).

Details of consultation

4.—(1) With respect to any requirement which requires details to be submitted to the Secretary of State for approval under this Schedule following consultation with another party, the details submitted must be accompanied by a summary report setting out the consultation undertaken by the undertaker to inform the details submitted and the undertaker's response to that consultation.

(2) At the time of submission to the Secretary of State for approval, the undertaker must provide a copy of the summary report referred to under sub-paragraph (1) to the relevant consultees referred to in the requirement in relation to which approval is being sought from the Secretary of State.

(3) The undertaker must ensure that any consultation responses are reflected in the details submitted to the Secretary of State for approval under this Schedule, but only where it is appropriate, reasonable and feasible to do so, taking into account considerations including, but not limited to, cost and engineering practicality.

(4) Where the consultation responses are not reflected in the details submitted to the Secretary of State for approval, the undertaker must state in the summary report referred to under sub-paragraph (1) the reasons why the consultation responses have not been reflected in the submitted details.

Landscaping

5.—(1) No part of the authorised development is to commence until a written landscaping scheme for that part has been submitted to and approved in writing by the Secretary of State following consultation with the relevant planning authority and the local highway authority.

(2) No part of the authorised development, including vegetation clearance, is to commence until an arboricultural walkover survey and tree survey for that part, taking due regard to the guidance in British Standard 5837:2012, have been undertaken to identify any significant constraints posed by trees.

(3) The landscaping scheme prepared under sub-paragraph (1) must be based on the environmental masterplan and the results of the surveys undertaken under sub-paragraph (2).

(4) The landscaping scheme prepared under sub-paragraph (1) must include details of hard and soft landscaping works, including—

- (a) location, number, species, size and planting density of any proposed planting;
- (b) cultivation, importing of materials and other operations to ensure plant establishment;

- (c) proposed finished ground levels;
- (d) hard surfacing materials;
- (e) details of existing trees to be retained, with measures for their protection during the construction period; and
- (f) implementation timetables for all landscaping works.

Implementation and maintenance of landscaping

6.—(1) All landscaping works must be carried out in accordance with the landscaping scheme approved under Requirement 5.

(2) All landscaping works must be carried out to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice.

(3) Any tree or shrub planted as part of the landscaping scheme that, within a period of 5 years after planting, is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same species and size as that originally planted.

Fencing

7. Any permanent and temporary fencing and other means of enclosure for the authorised development must be constructed and installed in accordance with the Manual of Contract Documents for Highway Works except where any departures from that manual are agreed in writing by the Secretary of State in connection with the authorised development.

Land and groundwater contamination

8.—(1) No part of the authorised development is to commence until a contamination risk assessment in respect of controlled waters has been produced which is to include details of—

- (a) any existing sources of contamination within the Order limits that may be affected by the carrying out of the authorised development;
- (b) any reasonably required protective measures to ensure that the carrying out of the authorised development does not make worse any adverse conditions or risks associated with such existing sources of contamination; and
- (c) appropriate remediation strategies and mitigation measures to address any historic contamination which is shown to be having significant, unacceptable effects on the environment within the context of the proposed works,

and the assessment has been submitted to and approved by the Secretary of State.

(2) The steps and measures that are identified as necessary for the purposes of carrying out the authorised development in the assessment referred to in sub-paragraph (1) must be implemented as part of the authorised development.

(3) In the event that contaminated material, including impacted groundwater, is found at any time when carrying out the authorised development, which was not previously identified in the environmental statement, the undertaker must cease construction of the authorised development in the vicinity of that contamination and must report it immediately in writing to the Secretary of State and the relevant planning authority, and in agreement with the relevant planning authority undertake a risk assessment of the contamination, and sub-paragraphs (4) and (5) will apply.

(4) Where the undertaker determines that remediation is necessary, a written scheme and programme for the remedial measures to be taken to render the land fit for its intended purpose must be prepared submitted to and approved in writing by the Secretary of State following consultation with the relevant planning authority.

(5) Remedial measures must be carried out in accordance with the approved scheme.

Archaeology

9.—(1) No part of the authorised development is to commence until for that part a scheme for the investigation and mitigation of areas of archaeological interest, reflecting the mitigation measures included in chapter 6 of the environmental statement, with provision for sub-written schemes of investigation for each area and each phase (evaluation or detailed excavation or watching brief), has been prepared in consultation with the relevant planning authority and the local highway authority, agreed with the County Archaeologist and submitted to and approved in writing by the Secretary of State.

(2) The authorised development must be carried out in accordance with the archaeological framework strategy and sub-written schemes of investigation referred to in sub-paragraph (1) unless otherwise agreed in writing by the Secretary of State.

(3) A programme of archaeological reporting, post excavation and publication required as part of the archaeological framework strategy and sub-written schemes of investigation referred to in sub-paragraph (1) must be agreed with the County Archaeologist and implemented within a timescale agreed with the County Archaeologist and deposited with the Historic Environment Record of the relevant planning authority within two years of the date of completion of the authorised development or such other period as may be agreed in writing by the relevant planning authority.

(4) Any archaeological remains not previously identified which are revealed when carrying out the authorised development must be—

- (a) retained in situ and reported to the County Archaeologist as soon as reasonably practicable; and
- (b) subject to appropriate mitigation as set out in the archaeological framework strategy and mitigation agreed with the County Archaeologist.

(5) No construction operations are to take place within 10 metres of the remains referred to in sub-paragraph (4) for a period of 14 days from the date the remains are reported to the County Archaeologist under sub-paragraph (4) unless otherwise agreed in writing by the Secretary of State.

(6) On completion of the authorised development, suitable resources and provisions for long term storage of the archaeological archive will be agreed with the County Archaeologist.

Protected species

10.—(1) In the event that any protected species which were not previously identified in the environmental statement or nesting birds are found at any time when carrying out the authorised development the undertaker must cease construction works near their location and report it immediately to the Ecological Clerk of Works.

(2) The undertaker must prepare a written scheme for the protection and mitigation measures for any protected species that were not previously identified in the environmental statement or nesting birds found when carrying out the authorised development. Where nesting birds are identified works should cease within 10 metres of the nest until birds have fledged and the nest is no longer in use.

(3) The undertaker must implement the written scheme prepared under sub-paragraph (2) immediately and construction in the area specified in the written scheme must not recommence until any necessary licences are obtained to enable mitigation measures to be implemented.

Traffic management

11.—(1) No part of the authorised development is to commence until a traffic management plan for the construction of the authorised development, substantially in accordance with the draft traffic management plan at appendix 2.1 to the environmental statement, has been submitted to and approved in writing by the Secretary of State following consultation with the local highway authority.

(2) The authorised development must be constructed in accordance with the approved traffic management plan.

Detailed design

12.—(1) The authorised development must be designed in detail and carried out so that it is compatible with the preliminary scheme design shown on the works plans and the general arrangement and section plans, unless otherwise agreed in writing by the Secretary of State following consultation with the relevant planning authority and local highway authority on matters related to their functions and provided that the Secretary of State is satisfied that any amendments to the works plans and the general arrangement and section plans showing departures from the preliminary design would not give rise to any materially new or materially worse adverse environmental effects in comparison with those reported in the environmental statement.

(2) Where amended details are approved by the Secretary of State under sub-paragraph (1), those details are deemed to be substituted for the corresponding works plans or general arrangement and section plans and the undertaker must make those amended details available in electronic form for inspection by members of the public.

Surface and foul water drainage

13.—(1) No part of the authorised development is to commence until written details of the surface and foul water drainage system, reflecting the mitigation measures in chapter 13 of the environmental statement and including means of pollution control, have been submitted to and approved in writing by the Secretary of State following consultation with the relevant planning authority and the local highway authority.

(2) The drainage system must be constructed in accordance with the approved details referred to in sub-paragraph (1) unless otherwise agreed in writing by the Secretary of State following consultation with the relevant planning authority and the local highway authority.

Highway lighting

14.—(1) No part of the authorised development is to commence until a written scheme of the proposed highway lighting to be provided for that part of the authorised development has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority and (in the case of proposed lighting for any highway for which the undertaker is not, or will not be following implementation of article (2), the highway authority) the local highway authority.

(2) The standard of the highway lighting to be provided by the scheme referred to in sub-paragraph (1) must either reflect the standard of the highway lighting included in the environmental statement or, where the standard of the highway lighting proposed materially differs from the standard of the highway lighting identified in the environmental statement, the undertaker must provide evidence with the written scheme submitted for approval that the standard of the highway lighting proposed would not give rise to any materially new or materially worse adverse environmental effects in comparison with those reported in the environmental statement taking into account the lighting identified in it. The standard of the highway lighting must encompass the specification, level of provision, light spillage, intensity and brightness of the highway lighting.

(3) The authorised development must be carried out in accordance with the scheme approved under sub-paragraph (1).

(4) Nothing in this requirement restricts the lighting of the authorised development during its construction or where temporarily required for maintenance.

Approvals and amendments to approved details

15. With respect to any requirement which requires the authorised development to be carried out in accordance with the details approved under this Schedule, the approved details are taken to

include any amendments that may subsequently be approved or agreed in writing by the Secretary of State.

PART 2

PROCEDURE FOR DISCHARGE OF REQUIREMENTS

Applications made under requirements

16.—(1) Where an application has been made to the Secretary of State for any consent, agreement or approval required by a requirement (including agreement or approval in respect of part of a requirement) included in this Order, the Secretary of State must give notice to the undertaker of the decision on the application within a period of 8 weeks beginning with—

- (a) the day immediately following that on which the application is received by the Secretary of State;
- (b) the day immediately following that on which further information has been supplied by the undertaker under paragraph 17; or
- (c) such longer period as may be agreed between the parties.

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

(3) Where—

- (a) an application has been made to the Secretary of State for any consent, agreement or approval required by a requirement included in this Order;
- (b) the Secretary of State does not determine such application within the period set out in sub-paragraph (1); and
- (c) the application is accompanied by a report referred to in paragraph 4 stating that, in the view of a body required to be consulted by the undertaker under the requirement in question, the subject matter of the application is likely to give rise to any materially new or materially worse environmental effects in comparison with those reported in the environmental statement,

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

Further information

17.—(1) In relation to any part of an application made under this Schedule, the Secretary of State has the right to request such further information from the undertaker as is necessary to enable the Secretary of State to consider the application.

(2) In the event that the Secretary of State considers such further information to be necessary, the Secretary of State must, within 21 business days of receipt of the application, notify the undertaker in writing specifying the further information required and (if applicable) to which part of the application it relates. In the event that the Secretary of State does not give such notification within this 21 day period the Secretary of State is deemed to have sufficient information to consider the application and is not subsequently entitled to request further information without the prior agreement of the undertaker.

(3) Where further information is requested under this paragraph in relation to part only of an application, that part is treated as separate from the remainder of the application for the purposes of calculating the time periods referred to in paragraph 16 and in this paragraph.

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

Register of requirements

18.—(1) The undertaker must, as soon as practicable following the making of this Order, establish and maintain in an electronic form suitable for inspection by members of the public a register of those requirements contained in Part 1 of this Schedule that provide for further approvals to be given by the Secretary of State.

(2) The register must set out in relation to each such requirement the status of the requirement, in terms of whether any approval to be given by the Secretary of State has been applied for or given, providing an electronic link to any document containing any approved details.

(3) The register must be maintained by the undertaker for a period of 3 years following completion of the authorised development.

Anticipatory steps towards compliance with any requirement

19. If before this Order came into force the undertaker or any other person took any steps that were intended to be steps towards compliance with any provision of Part 1 of this Schedule, those steps may be taken into account for the purpose of determining compliance with that provision if they would have been valid steps for that purpose had they been taken after this Order came into force.

SCHEDULE 3

Articles 14 and 18

CLASSIFICATION OF ROADS, ETC.

PART 1

TRUNK ROADS

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Length of road</i>
Perranzabuloe, Kenwyn, St Allen, St Erme, St Newlyn East Civil Parishes	A30 (T) between point A on sheet 1 and point B on sheet 8 of the classification of roads plans, comprising 13820 metres
Perranzabuloe, Kenwyn Civil Parishes	A30 (T) between points C and D on sheet 1 of the classification of roads plans, comprising 615 metres
Perranzabuloe Civil Parish	A30 (T) between points E and F on sheet 1 of the classification of roads plans, comprising 399 metres
Perranzabuloe Civil Parish	A30 (T) between points G and H on sheet 1 of the classification of roads plans, comprising 475 metres
Perranzabuloe Civil Parish	A30 (T) between points I and J on sheet 1 of the classification of roads plans, comprising 513 metres
Kenwyn Civil Parish	A30 (T) between points K and L on sheet 3 of the classification of roads plans, comprising 486 metres
Kenwyn Civil Parish	A30 (T) between points M and N on sheet 3 of the classification of roads plans, comprising 374 metres
St Erme, St Newlyn East Civil Parishes	A30 (T) between points O and P on sheet 8 of the classification of roads plans, comprising 569 metres
St Newlyn East Civil Parish	A30 (T) between points Q and R on sheet 8 of the classification of roads plans, comprising 334 metres
St Erme Civil Parish	A30 (T) between points S and T on sheet 8 of the classification of roads plans, comprising 332 metres
St Erme, St Newlyn East Civil Parishes	A30 (T) between points U and V on sheet 8 of the classification of roads plans, comprising 611 metres

PART 2

ROADS TO BE DE-TRUNKED

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Length of road</i>
Perranzabuloe Civil Parish	A30 Trunk Road between point A on sheet 1 and point B on sheet 2 of the de-trunking plans, comprising 1925 metres
Perranzabuloe, Kenwyn, St Allen Civil Parishes	A30 Trunk Road between point C on sheet 3 and point D on sheet 4 of the de-trunking plans, comprising 2368 metres
St Allen, St Erme Civil Parishes	A30 Trunk Road between point E on sheet 5 and point F on sheet 7 of the de-trunking plans, comprising 3980 metres

PART 3

CLASSIFIED ROADS

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Length of road</i>
Perranzabuloe, Kenwyn Civil Parishes	B3277 between points 1 and 2 on sheet 1 of the classification of roads plans, comprising 851 metres
Perranzabuloe Civil Parish	A3075 between point 3 on sheet 1 and point 4 on sheet 2 of the classification of roads plans, comprising 767 metres
Perranzabuloe, Kenwyn Civil Parishes	A390 between points 5 and 6 on sheet 1 of the classification of roads plans, comprising 1078 metres
Perranzabuloe Civil Parish	A30 between points 7 and 8 on sheet 1 of the classification of roads plans, comprising 178 metres
Perranzabuloe, Kenwyn Civil Parishes	B3284 between points 9 and 10 on sheet 3 of the classification of roads plans, comprising 852 metres
Kenwyn Civil Parish	B3284 and A30 between points 11 and 12 on sheet 3 of the classification of roads plans, comprising 147 metres
Kenwyn Civil Parish	B3284 between points 13 and 14 on sheet 3 of the classification of roads plans, comprising 245 metres
Kenwyn Civil Parish	B3284 between points 15 and 16 on sheet 3 of the classification of roads plans, comprising 147 metres
Perranzabuloe Civil Parish	A30 between point 17 on sheet 4 and point 18 on sheet 5 of the classification of roads plans, comprising 1331 metres
St Allen Civil Parish	Unnamed road C0364 between points 19 and 20 on sheet 5 of the classification of roads plans, comprising 54 metres
Perranzabuloe, Kenwyn Civil Parishes	A30 and B3284 between point 21 on sheet 2 and point 22 on sheet 3 of the classification of roads plans, comprising 805 metres
St Allen Civil Parish	Henver Lane between points 23 and 24 on sheet 6 of the classification of roads plans, comprising 247 metres
St Allen Civil Parish	Unclassified road U6083 between points 25 and 26 on sheet 6 of the classification of roads plans, comprising 220 metres
St Allen Civil Parish	Unnamed road C0075 between points 27 and 28 on sheet 6 of the classification of roads plans, comprising 382 metres
St Erme, St Newlyn East Civil Parishes	A30 between point 29 on sheet 7 and point 30 on sheet 8 of the classification of roads plans, comprising 654 metres
St Erme, St Newlyn East Civil Parishes	A30 between points 31 and 32 on sheet 8 of the classification of roads plans, comprising 155 metres
Kenwyn Civil Parish	Allet Lane between points 35 and 36 on sheet 4 of the classification of roads plans, comprising 367 metres
Perranzabuloe Civil Parish	The new Chiverton grade separated junction at point 41 on sheet 1 of the classification of roads plans, for the whole length of the circulatory carriageway, comprising 479 metres
Perranzabuloe Civil Parish	Unnamed road C0005 between points 44 and 45 on sheet 1 of the classification of roads plans, comprising 45 metres
Kenwyn Civil Parish	The new Chybucca grade separated junction northern roundabout at point 46 on sheet 3 of the classification of roads plans, for the whole length of the circulatory carriageway, comprising 106 metres
Kenwyn Civil Parish	The new Chybucca grade separated junction southern roundabout at point 47 on sheet 3 of the classification of roads plans, for the whole length of the circulatory carriageway, comprising 106 metres

St Newlyn East Civil Parish	The new Carland Cross grade separated junction northern roundabout at point 48 on sheet 8 of the classification of roads plans, for the whole length of the circulatory carriageway, comprising 163 metres
St Erme Civil Parish	The new Carland Cross grade separated junction southern roundabout at point 49 on sheet 8 of the classification of roads plans, for the whole length of the circulatory carriageway, comprising 206 metres

PART 4

UNCLASSIFIED ROADS

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Length of road</i>
Perranzabuloe Civil Parish	Unclassified road U6072 between points 33 and 34 on sheet 1 of the classification of roads plans, comprising 95 metres
St Allen Civil Parish	Unclassified road U6083 (Church Lane) between points 37 and 38 on sheet 5 of the classification of roads plans, comprising 76 metres
St Erme Civil Parish	Unclassified road U6093 between points 39 and 40 on sheet 7 of the classification of roads plans, comprising 140 metres
Perranzabuloe Civil Parish	Unclassified road between points 42 and 43 on sheet 1 of the classification of roads plans, comprising 79 metres

PART 5

SPEED LIMITS

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Road name, number and length</i>	<i>(3)</i> <i>Speed limit</i>
Perranzabuloe, Kenwyn, St Allen, St Erme, St Newlyn East Civil Parishes	A30 Trunk Road From point A on sheet 1 of the speed limits plans to point B on sheet 8 of the speed limits plans, for a total distance of 13820 metres	National speed limit for dual carriageways
Perranzabuloe, Kenwyn Civil Parishes	B3277 From point 1 to point 2 on sheet 1 of the speed limits plans, for a total distance of 851 metres	National speed limit for single carriageways
Kenwyn, St Agnes Civil Parishes	A390 From point 5 to point 6 on sheet 1 of the speed limits plans, for a total distance of 1078 metres	National speed limit for single carriageways
Perranzabuloe, Kenwyn Civil Parishes	B3284 From point 9 to point 10 on sheet 3 of the speed limits plans, for a total distance of 852 metres	National speed limit for single carriageways
Kenwyn Civil Parish	B3284 and existing A30 (T) From point 11 to point 12 on sheet 3 of the speed limits plans, for a total distance of 147 metres	National speed limit for single carriageways
Kenwyn Civil Parish	Existing A30 (T) From point 13 to point 14 on sheet 3 of the speed limits plans, for a total distance of 245 metres	National speed limit for single carriageways
Kenwyn Civil	B3284	National speed limit for single

Parish	From point 15 to point 16 on sheet 3 of the speed limits plans, for a total distance of 147 metres	carriageways
Kenwyn Civil Parish	Existing A30 (T) From point 50 to point 51 on sheet 3 of the speed limits plans, for a total distance of 150 metres	National speed limit for single carriageways
Perranzabuloe Civil Parish	Existing A30 (T) From point 17 on sheet 4 to point 18 on sheet 5 of the speed limits plans, for a total distance of 1331 metres	National speed limit for single carriageways
St Allen Civil Parish	Unnamed road C0364 From point 19 to point 20 on sheet 5 of the speed limits plans, for a total distance of 54 metres	National speed limit for single carriageways
Perranzabuloe, Kenwyn Civil Parishes	Existing A30 (T) From point 21 on sheet 2 to point 22 on sheet 3 of the speed limits plans, for a total distance of 805 metres	National speed limit for single carriageways
St Allen Civil Parish	Henver Lane From point 23 to point 24 on sheet 6 of the speed limits plans, for a total distance of 247 metres	National speed limit for single carriageways
St Allen Civil Parish	Unclassified road U6083 From point 25 to point 26 on sheet 6 of the speed limits plans, for a total distance of 220 metres	National speed limit for single carriageways
Kenwyn Civil Parish	Unnamed road C0049 From point 35 to point 36 on sheet 4 of the speed limits plans, for a total distance of 367 metres	National speed limit for single carriageways
St Allen Civil Parish	Unclassified road U6083 From point 37 to point 38 on sheet 5 of the speed limits plans, for a total distance of 76 metres	National speed limit for single carriageways
Perranzabuloe, Kenwyn Civil Parishes	A30 Trunk Road eastbound off-slip From point C to point D on sheet 1 of the speed limits plans, for a total distance of 615 metres	National speed limit for dual carriageways
Perranzabuloe Civil Parish	A30 Trunk Road eastbound on-slip From point E to point F on sheet 1 of the speed limits plans, for a total distance of 399 metres	National speed limit for dual carriageways
Perranzabuloe Civil Parish	A30 Trunk Road westbound on-slip From point G to point H on sheet 1 of the speed limits plans, for a total distance of 475 metres	National speed limit for dual carriageways
Perranzabuloe Civil Parish	A30 Trunk Road westbound off-slip From point I to point J on sheet 1 of the speed limits plans, for a total distance of 513 metres	National speed limit for dual carriageways
Perranzabuloe Civil Parish	A3075 From point 3 on sheet 1 of the speed limits plans to point 4 on sheet 2 of the speed	National speed limit for single carriageways

	limits plans, for a total distance of 767 metres	
Perranzabuloe, Kenwyn Civil Parish	Unnamed road C0005 From point 44 to point 45 on sheet 1 of the speed limits plans, for a total distance of 45 metres	National speed limit for single carriageways
Perranzabuloe Civil Parish	New unclassified road From point 42 to point 43 on sheet 1 of the speed limits plans, for a total distance of 79 metres	National speed limit for single carriageways
Perranzabuloe Civil Parish	De-trunked existing A30 (T) From point 7 to point 8 on sheet 1 of the speed limits plans, for a total distance of 178 metres	National speed limit for single carriageways
Perranzabuloe Civil Parish	The new Chiverton grade separated junction circulatory carriageway At point 41 on sheet 1 of the speed limits plans, for a total distance of 479 metres	National speed limit for single carriageways
Perranzabuloe Civil Parish	Unclassified road U6072 From point 33 to point 34 on sheet 1 of the speed limits plans, for a total distance of 95 metres	National speed limit for single carriageways
St Allen Civil Parish	Unnamed road C0075 From point 27 to point 28 on sheet 6 of the speed limits plans, for a total distance of 382 metres	National speed limit for single carriageways
St Erme Civil Parish	Unclassified road U6093 From point 39 to point 40 on sheet 7 of the speed limits plans, for a total distance of 140 metres	National speed limit for single carriageways
St Erme and St Newlyn East Civil Parishes	Existing A30 (T) From point 29 on sheet 7 of the speed limits plans to point 30 on sheet 8 of the speed limits plans, for a total distance of 654 metres	National speed limit for single carriageways
St Erme and St Newlyn East Civil Parishes	The new Carland Cross grade separated junction From point 31 to point 32 on sheet 8 of the speed limits plans, for a total distance of 155 metres	National speed limit for single carriageways
Kenwyn Civil Parish	A30 Trunk Road eastbound off-slip From point K to point L on sheet 3 of the speed limits plans, for a total distance of 486 metres	National speed limit for dual carriageways
Kenwyn Civil Parish	A30 Trunk Road westbound on-slip From point N to point M on sheet 3 of the speed limits plans, for a total distance of 374 metres	National speed limit for dual carriageways
St Erme and St Newlyn East Civil Parishes	A30 Trunk Road eastbound off-slip From point O to point P on sheet 8 of the speed limits plans, for a total distance of 569 metres	National speed limit for dual carriageways
St Erme and St Newlyn East	A30 Trunk Road eastbound on-slip From point Q to point R on sheet 8 of the	National speed limit for dual carriageways

Civil Parishes	speed limits plans, for a total distance of 334 metres	
St Erme Civil Parish	A30 Trunk Road westbound on-slip From point S to point T on sheet 8 of the speed limits plans, for a total distance of 332 metres	National speed limit for dual carriageways
St Erme and St Newlyn East Civil Parishes	A30 Trunk Road westbound off-slip From point U to point V on sheet 8 of the speed limits plans, for a total distance of 611 metres	National speed limit for dual carriageways
Kenwyn Civil Parish	Chybucca grade separated junction northern roundabout At point 46 on sheet 3 of the speed limits plans, for a total distance of 106 metres	National speed limit for single carriageways
Kenwyn Civil Parish	Chybucca grade separated junction southern roundabout At point 47 on sheet 3 of the speed limits plans, for a total distance of 106 metres	National speed limit for single carriageways
St Newlyn East Civil Parish	Carland Cross grade separated junction northern roundabout At point 48 on sheet 8 of the speed limits plans, for a total distance of 163 metres	National speed limit for single carriageways
St Erme Civil Parish	Carland Cross grade separated junction southern roundabout At point 49 on sheet 8 of the speed limits plans, for a total distance of 206 metres	National speed limit for single carriageways

PART 6

TRAFFIC REGULATION MEASURES (CLEARWAYS AND PROHIBITIONS)

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Road name, number and length</i>	<i>(3)</i> <i>Measures</i>
Kenwyn, Perranzabuloe, St Allen, St Erme, St Newlyn East Civil Parishes	New A30 Trunk Road From point A on sheet 1 of the clearways plans to point B on sheet 8 of the clearways plans, for a total distance of 13820 metres	Clearway (to include verges and slip roads)
Perranzabuloe and Kenwyn Civil Parishes	A390 From point C to point D on sheet 1 of the clearways plans, for a total distance of 1078 metres	Clearway (to include verges and slip roads)
Kenwyn, Perranzabuloe, St Allen, St Erme and St Newlyn East Civil Parishes	New A30 Trunk Road From point A on sheet 1 to point B on sheet 8; point C to point D on sheet 1; point E to point F on sheet 3; point M to point N on sheet 3; point O to point P on sheet 1; point G to point H on sheet 8; and point L to point K on sheet 8 of the prohibitions plans	Prohibition of pedestrians, cyclists, horses and horse drawn vehicles
Perranzabuloe Civil Parish	Chiverton grade separated junction westbound off-slip At point 2 on sheet 1 of the prohibitions plans	Prohibition of entry

Kenwyn Civil Parish	Chybucca grade separated junction eastbound off-slip At point 5 on sheet 3 of the prohibitions plans	Prohibition of entry
St Erme Civil Parish	Carland Cross grade separated junction westbound off-slip At point 8 on sheet 8 of the prohibitions plans	Prohibition of entry
Perranzabuloe Civil Parish	Restricted byway at Chiverton grade separated junction At point 3 on sheet 1 of the prohibitions plans	Prohibition of vehicular access
Perranzabuloe Civil Parish	Restricted byway at Chiverton grade separated junction At point 4 on sheet 1 of the prohibitions plans	Prohibition of vehicular access
St Erme Civil Parish	Restricted byway at Carland Cross grade separated junction At point 6 and point 7 on sheet 8 of the prohibitions plans	Prohibition of vehicular access
St Newlyn East Civil Parish	Restricted byway from Carland Cross to Treventon Farm At point 9 on sheet 8 of the prohibitions plans	Prohibition of vehicular access
St Newlyn East Civil Parish	Restricted byway from Carland Cross to Treventon Farm At point 10 on sheet 8 of the prohibitions plans	Prohibition of vehicular access

PART 7

REVOCATIONS & VARIATIONS OF EXISTING TRAFFIC REGULATION ORDERS

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Road name, number and length</i>	<i>(3)</i> <i>Title of Order</i>	<i>(4)</i> <i>Revocations or variations</i>
Kenwyn Civil Parish	A390 From point G to point D on sheet 1 of the clearways plans, for a total distance of 363 metres	The County of Cornwall (Truro) (Chiverton Cross) (Clearway) Order 2006 as amended by The County of Cornwall (Truro) (Chiverton Cross) (Clearway) (Amendment) Order 2011	Order to be varied to remove the existing clearway over this length

PART 8

PUBLIC RIGHTS OF WAY

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Status and length of public right of way</i>
Perranzabuloe Civil	Reference F (PR2)

Parish	135 metres restricted byway as shown on sheet 1 of the rights of way and access plans
Perranzabuloe Civil Parish	Reference L (PR3) 88 metres restricted byway as shown on sheet 1 of the rights of way and access plans
Perranzabuloe Civil Parish	Reference J (PR3) 90 metres restricted byway as shown on sheet 1 of the rights of way and access plans
Perranzabuloe Civil Parish	Reference S (PR4) 690 metres bridleway as shown on sheet 3 of the rights of way and access plans
Kenwyn Civil Parish	Reference Z (PR5) 17 metres footpath as shown on sheet 3 of the rights of way and access plans
St Allen Civil Parish	Reference BB (PR7) 350 metres bridleway as shown on sheet 4 of the rights of way and access plans
St Allen Civil Parish	Reference CC (PR8) 15 metres footpath as shown on sheet 4 of the rights of way and access plans
St Allen Civil Parish	Reference HH (PR9) 342 metres bridleway as shown on sheet 5 of the rights of way and access plans
St Allen Civil Parish	Reference JJ (PR10) 260 metres bridleway as shown on sheet 5 of the rights of way and access plans
St Allen Civil Parish	Reference KK (PR11) 103 metres bridleway as shown on sheet 5 of the rights of way and access plans
St Erme Civil Parish	Reference UU (PR14) 410 metres bridleway as shown on sheet 8 of the rights of way and access plans
St Newlyn East Civil Parish	Reference VV (PR15) 871 metres bridleway as shown on sheet 8 of the rights of way and access plans

SCHEDULE 4

Articles 16 and 27

PERMANENT STOPPING UP OF HIGHWAYS AND PRIVATE MEANS OF ACCESS & PROVISION OF NEW HIGHWAYS AND PRIVATE MEANS OF ACCESS

In relating this Schedule to the rights of way and access plans, the provisions described in this Schedule are shown on the rights of way and access plans in the following manner—

- (a) Existing highways to be stopped up, as described in column (2) of Part 1 and Part 2 of this Schedule, are shown by thick black diagonal hatching (as shown in the key on the rights of way and access plans) over the extent of the area to be stopped up, which is described in column (3) of Part 1 and Part 2 of this Schedule.
- (b) New highways which are to be substituted for a highway to be stopped up (or which are otherwise to be provided), as are included in column (4) of Part 2 of this Schedule, are shown by red cross-hatching (for trunk roads), black stippling (for other classified roads and highways) and solid blue shading (for public rights of way) (as shown in the key on the rights of way and access plans) and are given a reference label (a capital letter in a circle) and will be a road unless otherwise stated beneath its reference letter in column (4) of Part 2 of this Schedule.
- (c) Private means of access to be stopped up, as described in column (2) of Parts 3 and 4 of this Schedule, are shown by solid black shading (as shown in the key on the rights of way and access plans) over the extent of stopping up described in column (3) of Parts 3 and 4 of this Schedule, and are given a reference label (a lower case letter in a circle).
- (d) New private means of access to be substituted for a private means of access to be stopped up (or which are otherwise to be provided), as are included in column (4) of Part 4 of this Schedule, are shown by blue diagonal hatching (as shown in the key on the rights of way and access plans) and are given a reference label (a number in a circle).

PART 1

HIGHWAYS TO BE STOPPED UP FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highway to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>
Kenwyn Civil Parish	Byway Open to All Traffic 309/25/2 (PR1)	Over its length of 50 metres to the south west of the existing Chiverton Cross roundabout and to the west of the existing A30(T), as shown on sheet 1 of the rights of way and access plans
Kenwyn Civil Parish	Bridleway 309/3/1 (PR6)	From its junction with the A30(T) south for 143 metres, as shown on sheet 3 of the rights of way and access plans
St Allen Civil Parish	Existing A30 slip road at the existing Two Barrows underbridge	For a length of 134 metres, as shown on sheet 5 of the rights of way and access plans
Kenwyn Civil Parish	Footpath 319/12/1 (PR12)	From its junction with the A30(T) to Trevalso Cottage over its entire length of 68 metres, as

		shown on sheet 6 of the rights of way and access plans
Kenwyn Civil Parish	Footpath 319/11/1 (PR13)	North of Honeycombe Farm over its entire length of 56 metres, as shown on sheet 6 of the rights of way and access plans

PART 2

HIGHWAYS TO BE STOPPED UP FOR WHICH A SUBSTITUTE IS TO BE PROVIDED AND NEW HIGHWAYS WHICH ARE OTHERWISE TO BE PROVIDED

<i>(1) Area</i>	<i>(2) Highway to be stopped up</i>	<i>(3) Extent of stopping up</i>	<i>(4) New highway to be substituted/provided</i>
<i>Rights of way and access plans – Sheet 1</i>			
Perranzabuloe Civil Parish	B3277	From Blackwater Roundabout to the existing Chiverton Cross Roundabout for a length of 156 metres including the northern section of the existing Chiverton Cross Roundabout	Reference A Re-aligned B3277 west of the existing Blackwater Roundabout for a length 851 metres
Perranzabuloe, Kenwyn Civil Parishes	A390	From a point 154 metres from the existing Chiverton Cross Roundabout including the southern section of the existing Chiverton Cross Roundabout	Reference B Re-aligned A390 east of the existing Chiverton Cross Roundabout for a length of 1078 metres
Perranzabuloe, Kenwyn Civil Parishes	-	-	Reference C A length of restricted byway on the realigned A390 for 704 metres
Perranzabuloe Civil Parish	-	-	Reference F (PR2) A new restricted byway underbridge north-south to allow access under the new A30 mainline and side roads, for a total length of 135 metres
Perranzabuloe Civil Parish	Existing A30	For a length of 850 metres from a point east of the existing Chiverton Cross Roundabout to the north of Roscarnick Farm	Reference G A new length of classified road (A30) for a length of 178 metres to the south of the new grade separated junction at Chiverton
Perranzabuloe	-	-	Reference H

Civil Parish			A new unclassified road to serve as access to Trevisome Park for a length of 70 metres from its junction with the new A30 (T)
Perranzabuloe Civil Parish	C0005	For a length of 32 metres from its junction with the existing A30 (T)	Reference I A new length of the C0005 for a length of 50 metres to the east of the new grade separated junction at Chiverton
Perranzabuloe Civil Parish	-	-	Reference J (PR3) A new restricted byway to the south of the new grade separated junction at Chiverton, for a total length of 90 metres
Perranzabuloe Civil Parish	-	-	Reference K A new circulatory carriageway on the new grade separated junction at Chiverton for a length of 479 metres
Perranzabuloe Civil Parish	-	-	Reference L (PR3) A new restricted byway to the north of the new grade separated junction at Chiverton, for a total length of 88 metres
Perranzabuloe Civil Parish	U6072	For a length of 195 metres from the existing A3075	Reference M A new length of U6072 for a length of 99 metres from its junction with the realigned A3075
Perranzabuloe Civil Parish	-	-	Reference N A length of new restricted byway east of the new grade separated junction at Chiverton for a length of 68 metres
Perranzabuloe Civil Parish	-	-	Reference O A length of new restricted byway east of the new grade separated junction at Chiverton for a length of 153 metres

Perranzabuloe Civil Parish	-	-	Reference P A length of new restricted byway to the east of the new grade separated junction at Chiverton for a length of 115 metres
Perranzabuloe Civil Parish	-	-	Reference Q A length of new restricted byway north of the new grade separated junction at Chiverton for a length of 177 metres
Perranzabuloe, Kenwyn Civil Parishes	-	-	Reference Z1 New A30 eastbound off-slip to the new grade separated junction at Chiverton for a length of 637 metres
Perranzabuloe Civil Parish	-	-	Reference Z2 New A30 eastbound on-slip from the new grade separated junction at Chiverton for a length of 399 metres
Perranzabuloe Civil Parish	-	-	Reference Z3 A30 westbound off-slip to the new grade separated junction at Chiverton for a length of 514 metres
Perranzabuloe Civil Parish	-	-	Reference Z4 A30 westbound on-slip from the new grade separated junction at Chiverton for a length of 471 metres
Kenwyn Civil Parish	-	-	Reference Z11 A new length of restricted byway for a length of 94 metres, to the west of the existing Chiverton Cross Roundabout
Perranzabuloe, Kenwyn Civil Parishes	-	-	Reference Z12 A length of new restricted byway on the

			realigned B3277 for a length of 747 metres
Kenwyn Civil Parish	-	-	Reference Z13 A length of new restricted byway across the existing A390 for a length of 21 metres
Perranzabuloe Civil Parish	-	-	Reference Z14 A length of new restricted byway on the realigned A3075 from the new grade separated junction at Chiverton to the U6072 for a length of 317 metres
Perranzabuloe Civil Parish			Reference Z16 A new unclassified road to provide access to BOAT 314/1/1 for a length of 30 metres
Kenwyn, Perranzabuloe, St Allen, St Erme, St Newlyn East Civil Parishes	-	-	Reference ZZ A30 for a length of 13820 metres as shown on sheets 1 to 8 of the rights of way and access plans
<i>Rights of way and access plans – Sheet 2</i>			
Perranzabuloe Civil Parish	A3075	From a point on the existing Chiverton Cross Roundabout to where it meets the existing A3075 for a length of 810 metres, as shown on sheets 2 and 3 of the rights of way and access plans	Reference D Re-aligned A3075 north of the existing Chiverton Cross Roundabout for a length of 767 metres as shown on sheets 1 and 2 of the rights of way and access plans
Perranzabuloe, Kenwyn Civil Parishes	Existing A30	From a point at the existing Chybucca Junction for a length of 850 metres in a westerly direction, as shown on sheets 2 and 3 of the rights of way and access plans	Reference E Re-aligned A30 from a point at the existing Chybucca Junction for a length of 805 metres in a westerly direction, as shown on sheets 2 and 3 of the rights of way and access plans
<i>Rights of way and access plans – Sheet 3</i>			
Perranzabuloe, Kenwyn Civil Parishes	B3284	For a length of 134 metres from its junction with the existing A30 (T)	Reference R A new length of re-aligned B3284 to the

			east of Callestick Vean for a length of 852 metres to the northern roundabout of the new grade separated junction at Chybucca
Perranzabuloe Civil Parish	-	-	Reference S (PR4) A new bridleway from west to east to connect BR314/64/1 and BR314/65/1, for a total length of 690 metres
Kenwyn Civil Parish	B3284	For a length of 290 metres to the south of the southern roundabout of the Chybucca grade separated junction	Reference T A new length of classified road (A30) to the west of the new grade separated junction at Chybucca to where it meets the southern roundabout of the new grade separated junction at Chybucca for a length of 245 metres
Kenwyn Civil Parish	-	-	Reference U A new length of B3284 for a length of 147 metres from its junction with the southern roundabout of the new grade separated junction at Chybucca
Kenwyn Civil Parish	-	-	Reference V A new link between the northern and southern roundabouts on the new grade separated junction at Chybucca for a length of 148 metres
Kenwyn Civil Parish	Existing A30 (T)	For a length 379 metres from a point south of Creegmeor Farm to a point east of the northern roundabout of the new grade separated junction at Chybucca	Reference W A new length of classified road (A30) from its junction with the northern roundabout of the new grade separated junction at Chybucca for a length of 150 metres
Kenwyn Civil Parish	-	-	Reference X A length of new restricted byway on the junction connector road

			on the new grade separated junction at Chybucca and realigned B3284 for a length of 211 metres
Kenwyn Civil Parish	-	-	Reference Y A length of new restricted byway north of the new A30 on the realigned B3284 and the realigned A30 for a length of 360 metres
Kenwyn Civil Parish	-	-	Reference Z (PR5) A new footpath to connect to BR314/65/1 at Creegmeor Farm, for a total length of 17 metres
Kenwyn Civil Parish	-	-	Reference EE A new circulatory carriageway on the northern roundabout of the new grade separated junction at Chybucca for a length of 106 metres
Kenwyn Civil Parish	-	-	Reference GG A new circulatory carriageway on the southern roundabout of the new grade separated junction at Chybucca for a length of 106 metres
Kenwyn Civil Parish	-	-	Reference Z5 A30 eastbound off-slip to the new grade separated junction at Chybucca for a length of 490 metres
Kenwyn Civil Parish	-	-	Reference Z6 A30 westbound on-slip from the new grade separated junction at Chybucca for a length of 383 metres
Kenwyn Civil Parish	-	-	Reference Z15 A length of new restricted byway on the existing A30 (T), the junction connector road for the new grade

			separated junction at Chybucca and the realigned B3284 for a length of 218 metres
<i>Rights of way and access plans – Sheet 4</i>			
Kenwyn Civil Parish	C0049	From a point 311 metres from its junction with the existing A30 (T)	Reference AA A new side road to redirect 367 metres of C0049
Perranzabuloe Civil Parish	U6082 and FP 319/16/1	U6082 for a length of 107 metres from its junction with existing A30 (T) FP 319/16/1 for a length of 68 metres from its junction with the existing A30 (T)	Reference BB (PR7) A new bridleway over a green bridge north of the existing A30 (T) in a southerly direction, for a total length of 350 metres
St Allen Civil Parish	-	-	Reference CC (PR8) A new footpath to join a new bridleway over a green bridge, for a total length of 15 metres
Perranzabuloe Civil Parish	C0364	From a point east of the telecommunication mast for a length of 365 metres, as shown on sheet 5 of the rights of way and access plans	Reference DD Re-aligned A30 for a length of 1159 metres from a point to the east of Elmsleigh to a point east of Tolgroggan Farm, as shown on sheets 4 and 5 of the rights of way and access plans
St Allen Civil Parish	-	-	Reference Z18 Widening of the U6082 for a length of 30 metres north of the property known as Burnetts
<i>Rights of way and access plans – Sheet 5</i>			
Perranzabuloe Civil Parish	C0089	For a length of 96 metres from its junction with the existing A30 (T)	Reference FF A new restricted byway on the C0364 for a length of 187 metres
St Allen Civil Parish	Bridleway 319/9/1	From the intersection with BR319/9/1 along its length south of the existing A30(T) for a total length of 320 metres	Reference HH (PR9) A new bridleway for a total length of 342 metres
St Allen Civil Parish	Bridleway 319/1/1	From a point 50 metres east of the Chapel along	Reference JJ (PR10) A new bridleway from a

		its length for a total distance of 214 metres	point 40 metres east of the Chapel in an easterly direction for a total length of 260 metres
St Allen Civil Parish	U6083	For a length of 67 metres from its junction with the existing A30 (T)	Reference KK (PR11) A new bridleway as an underbridge for a total length of 103 metres
St Allen Civil Parish	-	-	Reference LL A new length of U6083 for a length of 75 metres
<i>Rights of way and access plans – Sheet 6</i>			
St Allen Civil Parish	C0364	For length of 167 metres from its junction with the existing A30 (T)	Reference MM A new length of C0364 from its junction with the existing A30 (T) for a length of 243 metres
St Allen Civil Parish	U6083	For a length of 76 metres from its junction with the existing A30 (T)	Reference NN A new length of U6083 for a length of 220 metres from a point to the west of Trevalso Farm to where it meets the new length of C0364
St Allen Civil Parish	C0075	For a length of 325 metres from its junction with the existing A30 (T)	Reference OO A new length of C0075 for a length of 380 metres from its junction with the existing A30 (T)
<i>Rights of way and access plans – Sheet 7</i>			
St Erme Civil Parish	U6093	For a total length of 284 metres from its junction with the existing A30 (T)	Reference PP A length of new U0693 for a length of 140 metres south of the existing A30 (T)
<i>Rights of way and access plans – Sheet 8</i>			
St Erme, St Newlyn East Civil Parishes	Existing A30 (T)	For a length of 624 metres westbound from its junction with the existing Carland Cross Roundabout as shown on sheets 7 and 8 of the rights of way and access plans	Reference QQ A length of re-aligned A30 from a point to the east of Four Winds to the northern roundabout of the new grade separated junction at Carland Cross for a length of 654 metres as shown on sheets 7 and 8 of the rights of way and access plans

St Erme, St Newlyn East Civil Parishes	-	-	Reference SS The new link between the new northern roundabout and the reconfigured southern roundabout at the new grade separated junction at Carland Cross for a length of 155 metres
St Erme, St Newlyn East Civil Parishes	-	-	Reference TT New circulatory carriageway on the northern roundabout of the new grade separated junction at Carland Cross for a length of 163 metres
St Erme Civil Parish	-	-	Reference UU (PR14) A new restricted byway through an underbridge from a point 80 metres north of the existing A30(T) to its junction with the existing roundabout at Carland Cross, for a total length of 410 metres
St Newlyn East Civil Parish	-	-	Reference VV (PR15) A new restricted byway south of the existing A30(T) to its junction north of Treventon Farm, for a total length of 871 metres
St Erme, St Newlyn East Civil Parishes	-	-	Reference Z7 A30 eastbound off-slip to the new grade separated junction at Carland Cross for a length of 570 metres
St Erme, St Newlyn East Civil Parishes	-	-	Reference Z8 A30 eastbound on-slip from the new grade separated junction at Carland Cross for a length of 366 metres
St Erme, St Newlyn East Civil Parishes	Existing A30	For a length of 503 metres eastbound from the junction with the existing Carland Cross Roundabout	Reference Z9 A30 westbound off-slip to the new grade separated junction at Carland Cross for a

			length of 624 metres
St Erme Civil Parish	-	-	Reference Z10 A30 westbound on-slip from the new grade separated junction at Carland Cross for a length of 355 metres

PART 3

PRIVATE MEANS OF ACCESS TO BE STOPPED UP FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED

<i>(1) Area</i>	<i>(2) Private means of access to be stopped up</i>	<i>(3) Extent of stopping up</i>
Kenwyn Civil Parish	Reference d Access to field south of the existing A30 (T) from the existing B3284, as shown on sheet 3 of the rights of way and access plans	From the existing B3284 for a length of 28 metres as shown on sheet 3 of the rights of way and access plans

PART 4

PRIVATE MEANS OF ACCESS TO BE STOPPED UP FOR WHICH A SUBSTITUTE IS TO BE PROVIDED AND NEW PRIVATE MEANS OF ACCESS WHICH ARE OTHERWISE TO BE PROVIDED

<i>(1) Area</i>	<i>(2) Private means of access to be stopped up</i>	<i>(3) Extent of stopping up</i>	<i>(4) New private means of access to be substituted/provided</i>
<i>Rights of way and access plans – Sheet 1</i>			
Perranzabuloe Civil Parish	Reference a Access to Silversprings north of the A3075	At a point north west of the junction with the A3075 for a length of 73 metres	Reference 1 A new private access to Silversprings to the north east of the existing Chiverton Cross Roundabout, 113 metres south west of its existing access
<i>Rights of way and access plans – Sheet 2</i>			
Perranzabuloe Civil Parish	-	-	Reference 2 A new private access to the field north of the A3075 for a length of 13 metres
Perranzabuloe Civil Parish	-	-	Reference 3 A new private access to the field north of the

			A3075 for a length of 14 metres
<i>Rights of way and access plans – Sheet 3</i>			
Perranzabuloe Civil Parish	Reference c Access to Creegmeor Farm	At a point to the north of the existing A30(T) for a length of 76 metres	Reference 4 A new private access to the north of the B3284 at Callestick Vean for a length of 690 metres to Creegmeor Farm
Kenwyn Civil Parish	-	-	Reference 5 A new private access to the field south of the re-aligned A30 for a length of 11 metres
Kenwyn Civil Parish	-	-	Reference 6 A new private access to the south of the new grade separated junction at Chybucca from the re-aligned B3284 for a length of 95 metres
Kenwyn Civil Parish	-	-	Reference 26 A new private access to the field south of the re-aligned A30 for a length of 11 metres
<i>Rights of way and access plans – Sheet 4</i>			
St Allen and Kenwyn Civil Parishes	Reference e Access to Nanteague Farm	At a point south of the existing A30(T) at Town and Country Motors for a total length of 272 metres	Reference 7 A new private access to the south of the existing A30(T), 475 metres to the west of the existing access, north east for a length of 1160 metres
St Allen Civil Parish	Reference e Access to Nanteague Farm	At a point south of the existing A30(T) at Town and Country Motors for a length of 272 metres as shown on sheet 3 of the rights of way and access plans	Reference 8 A new private access to Nanteague Farm for a length of 22 metres
St Allen Civil Parish	Reference e Access to Nanteague Farm	At a point south of the existing A30(T) at Town and Country Motors for a length of 272 metres	Reference 9 A new private access to Nanteague Solar Farm for a length of 7 metres
St Allen Civil Parish	Reference h Access to Nancarrow Farm	At a point to the south of the existing A30(T) to the east of Elmsleigh for a length of 83 metres	Reference 10 A new private access to Nancarrow Farm south of the existing A30(T), 210 metres south west of the existing access, north east for a length of 200 metres
<i>Rights of way and access plans – Sheet 5</i>			

Perranzabuloe Civil Parish	Reference i Access to O2 Telecommunications Mast	At a point to the north of the existing A30(T) to the west of Chyverton Lodge for a length of 4 metres	Reference 11 A new private access to a telecommunications mast to the north of the realigned A30 for a length of 6 metres
Perranzabuloe Civil Parish	-	-	Reference 12 A private access to Bracken Woods from the realigned C0364 for a length of 118 metres
Perranzabuloe Civil Parish	-	-	Reference 13 A private access to Chiverton Lodge from the realigned C0364 for a length of 23 metres
St Allen Civil Parish	Reference j Access to the property known as Tolgroggan Farm	At a point to the south of C0364 and to the east of The Chapel for a length of 214 metres	Reference 14 A new private access to Tolgroggan Farm to the south of C0364, 52 metres south east of the existing access, south east for a length of 260 metres
St Allen Civil Parish	-	-	Reference 15 A new private access to Tolgroggan Farm to the south of the new A30 for a length of 342 metres
St Allen Civil Parish	-	-	Reference 16 A new private access to Trevalso Farm to the south of Church Lane for a length of 182 metres
<i>Rights of way and access plans – Sheet 6</i>			
St Allen Civil Parish	-	-	Reference 17 A new private access to Trevalso Farm to the east of U6083 for a length of 776 metres
St Allen Civil Parish	-	-	Reference 18 A new private access to Pennycomequick from C0075 for a length of 29 metres
St Allen Civil Parish	Reference k Access track from unnamed road C0075 to field access	At a point south of the existing A30(T) to the south east of Pennycomequick for a length of 35 metres	Reference 19 A new private access to field to the south of the A30(T), 80 metres from the existing access for a length of 10 metres
St Allen Civil Parish	-	-	Reference 20 A new private access to the field south of

			Pennycomequick from the stopped C0075 for a length of 9 metres
<i>Rights of way and access plans – Sheet 8</i>			
St Newlyn East and St Erme Civil Parishes	Reference l Access to Carland Cross Wind Farm	At a point north west of the existing Carland Cross Roundabout for a total length of 1075 metres	References 21, 22, 23 A new private access to wind turbines at Carland Cross Wind Farm 205 metres to the north of the existing Carland Cross roundabout for a total length of 506 metres
St Newlyn East Civil Parish	Reference m Access to Treventon Farm	At a point to the south of the existing A30(T) to the north of Rosehill Farm for a length of 585 metres	Reference 24 A new private access to Treventon Farm to the south of the existing A30(T) for a distance of 871 metres to the north of Rosehill Farm

SCHEDULE 5

Article 26

LAND IN WHICH ONLY NEW RIGHTS ETC. MAY BE ACQUIRED

(1) <i>Plot reference number shown on land plans</i>	(2) <i>Purpose for which rights over land may be acquired</i>	(3) <i>Relevant part of the authorised development</i>
<i>Land Plans – Sheet 1</i>		
1/1	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 1(a)
1/1a	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 1(a)
1/1b	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 1(a)
1/1c	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 1(a)
1/1d	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 1(a)
1/1g	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 1(a)
1/1h	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 1(a)
1/7	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 1(b)
1/8	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 1(b)
1/9b	New right to construct, use, protect, inspect and maintain a new water pipeline and equipment for the benefit of South West Water	Work No. 16
1/9c	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment New right to construct, use, protect, inspect and maintain a new water pipeline and equipment for the benefit of South West Water	Work Nos. 1(b) and 16
1/10b	New right to construct, use, protect, inspect and maintain a new water pipeline and equipment for the benefit of South West Water New right to construct, use, protect,	Work Nos. 1(cc) and 14

	inspect and maintain a new culvert and equipment	
1/10c	New right to construct, use, protect, inspect and maintain a new water pipeline and equipment for the benefit of South West Water	Work No. 14
1/10h	New right to construct, use, protect, inspect and maintain a new electrical pole and equipment for the benefit of Western Power Distribution	Work No. 15
1/10k	New right to construct, use, protect, inspect and maintain a new water pipeline and equipment for the benefit of South West Water New right to construct, use, protect, inspect and maintain a new culvert and equipment	Work No. 16
<i>Land Plans – Sheet 2</i>		
2/3b	New right to construct, use, protect, inspect and maintain a new culvert and equipment	Work No. 1(cc)
2/3p	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 1(c)
2/6	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 1(c)
2/6a	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 1(c)
2/7c	New right to construct, use, protect, inspect and maintain a new culvert and equipment	Work No. 1(cc)
2/7d	New right to construct, use, protect, inspect and maintain a new culvert and equipment	Work No. 1(cc)
<i>Land Plans – Sheet 3</i>		
3/3a	New right to construct, use, protect, inspect and maintain a new culvert and equipment	Work No. 1(cc)
3/3c	New right to construct, use, protect, inspect and maintain a new electrical pole and equipment for the benefit of Western Power Distribution	Work No. 19
3/3g	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work Nos. 1(d) and 2(d)
3/3k	New right to construct, use, protect, inspect and maintain a new private means of access north of the B3284 at Callestick Vean to Creegmeor Farm New right to construct, use, protect, inspect and maintain a new bridleway	Work No. 4

	(PR4) from west to east to connect BR314/64/1 and BR314/65/1	
3/4b	New right to construct, use, protect, inspect and maintain a new culvert, ditch and equipment	Work No. 1(cc)
3/5	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work Nos. 1(d) and 2(d)
3/5a	New right to construct, use, protect, inspect and maintain a new drainage ditch and equipment	Work No. 1(bb)
3/5b	New right to construct, use, protect, inspect and maintain a new private means of access north of the B3284 at Callestick Vean to Cregmeor Farm New right to construct, use, protect, inspect and maintain a new bridleway (PR4) from west to east to connect BR314/64/1 and BR314/65/1	Work No. 4
<i>Land Plans – Sheet 4</i>		
4/4f	New right to construct, use, protect, inspect and maintain a new gas pipeline and equipment for the benefit of Wales and West Utilities Limited	Work No. 22
4/4k	New right to construct, use, protect, inspect and maintain a new gas pipeline and equipment for the benefit of Wales and West Utilities Limited	Work No. 22
4/4q	New right to construct, use, protect, inspect and maintain a new gas pipeline and equipment for the benefit of Wales and West Utilities Limited	Work No. 22
4/4v	New right to construct, use, protect, inspect and maintain a new gas pipeline and equipment for the benefit of Wales and West Utilities Limited	Work No. 22
4/8d	New right to construct, use, protect, inspect and maintain a new gas pipeline and equipment for the benefit of Wales and West Utilities Limited	Work No. 22
4/8j	New right to construct, use, protect, inspect and maintain a new gas pipeline and equipment for the benefit of Wales and West Utilities Limited	Work No. 22
4/9	New right to construct, use, protect, inspect and maintain a new culvert and equipment	Work No. 1(cc)
4/9e	New right to construct, use, protect, inspect and maintain a new gas pipeline and equipment for the benefit of Wales and West Utilities Limited New right to construct, use, protect, inspect and maintain a new culvert	Work No. 22

	and equipment	
4/9f	New right to demolish existing structure and construct, use, protect, inspect and maintain a new gas pipeline and equipment for the benefit of Wales and West Utilities Limited	Work No. 22
4/10	New right to construct, use, protect, inspect and maintain a new gas pipeline and equipment for the benefit of Wales and West Utilities Limited	Work No. 22
4/10f	New right to construct, use, protect, inspect and maintain a private access to Nanteague Farm New right of access with or without vehicles plant and machinery for the benefit of KS SPV 11 Limited	Work No. 1
4/10g	New right to construct, use, protect, inspect and maintain a new gas pipeline and equipment for the benefit of Wales and West Utilities Limited New right to construct, use, protect, inspect and maintain a new culvert and equipment	Work Nos. 1(bb) and 22
4/10h	New right to construct, use, protect, inspect and maintain a new drainage ditch and equipment	Work No. 1(bb)
4/10k	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 1(e)
4/10m	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 1(e)
4/10n	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment New right to construct, use, protect, inspect and maintain a new culvert and equipment	Work Nos. 1(bb) and 1(e)
4/10r	New right to construct, use, protect, inspect and maintain a private access to Nanteague Farm New right of access with or without vehicles plant and machinery for the benefit of KS SPV 11 Limited	Work No. 1
4/10s	New right to construct, use, protect, inspect and maintain a new gas pipeline and equipment for the benefit of Wales and West Utilities Limited	Work No. 22
4/10t	New right to construct, use, protect, inspect and maintain a private access to Nanteague Farm	Work No. 1

	New right of access with or without vehicles plant and machinery for the benefit of KS SPV 11 Limited	
<i>Land Plans – Sheet 5</i>		
5/2a	New right to construct, use, protect, inspect and maintain a new water pipeline and equipment for the benefit of Wales and West Utilities Limited	Work No. 22
5/2g	New right to construct, use, protect, inspect and maintain a private access to Nanteague Farm New right of access with or without vehicles plant and machinery for the benefit of KS SPV 11 Limited New right to construct, use, protect, inspect and maintain a new culvert and equipment	Work Nos. 1 and 1(cc)
5/2h	New right to construct, use, protect, inspect and maintain a new water pipeline and equipment for the benefit of Wales and West Utilities Limited	Work No. 22
5/2j	New right to construct, use, protect, inspect and maintain a private access to Nanteague Farm New right of access with or without vehicles plant and machinery for the benefit of KS SPV 11 Limited New right to construct, use, protect, inspect and maintain a new culvert and equipment	Work No. 1 and 1(cc)
5/3	New right to construct, use, protect, inspect and maintain a new water pipeline and equipment for the benefit of South West Water New right to construct, use, protect, inspect and maintain a new culvert and equipment	Work No. 25
5/7a	New right to construct, use, protect, inspect and maintain a new bat roost and equipment	Work No. 1
5/7b	New right to construct, use, protect, inspect and maintain a new bridleway (PR7) and a new footpath	Work No. 1(m)
5/7g	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 1(f)
5/7h	New right to construct, use, protect, inspect and maintain a new bridleway (PR7) and a new footpath	Work No. 1(m)

5/8a	New right to construct, use, protect, inspect and maintain a new bridleway (PR7) and a new footpath	Work No. 1(m)
5/8b	New right to construct, use, protect, inspect and maintain a new bridleway (PR7) and a new footpath	Work No. 1(m)
5/9b	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 1(f)
5/11	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 1(f)
5/11a	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 1(f)
<i>Land Plans – Sheet 6</i>		
6/1g	New right to construct, use, protect, inspect and maintain a new bridleway New right to construct, use, protect, inspect and maintain a private access to fields for Boswellick Farm	Work No. 1
6/1r	New right to construct, use, protect, inspect and maintain a new drainage ditch and equipment	Work No. 1(bb)
6/7f	New right to construct, use, protect, inspect and maintain a new bridleway New right to construct, use, protect, inspect and maintain a private access to fields for Boswellick Farm	Work No. 1
6/8a	New right to construct, use, protect, inspect and maintain a new bridleway New right to construct, use, protect, inspect and maintain a private access to fields for Boswellick Farm	Work No. 1
6/10a	New right to construct, use, protect, inspect and maintain a new bridleway New right to construct, use, protect, inspect and maintain a private access to fields for Boswellick Farm	Work No. 1
6/10f	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 1(g)
6/11g	New right to construct, use, protect, inspect and maintain a private access to fields for Trevalso Farm	Work No. 1
6/11h	New right to construct, use, protect, inspect and maintain a private access to fields for Trevalso Farm	Work No. 1
6/11j	New right to construct, use, protect, inspect and maintain a new water pipeline and equipment for the benefit	Work No. 36

	of South West Water	
6/11n	New right to construct, use, protect, inspect and maintain a new water pipeline and equipment for the benefit of South West Water	Work No. 36
6/11p	New right to construct, use, protect, inspect and maintain a private access to fields for Trevalso Farm	Work No. 1
6/11q	New right to construct, use, protect, inspect and maintain a new drainage ditch and equipment	Work No. 1(bb)
<i>Land Plans – Sheet 7</i>		
7/2	New right to construct, use, protect, inspect and maintain new electrical apparatus and equipment for the benefit of Western Power Distribution	Work No. 37
7/3b	New right to construct, use, protect, inspect and maintain a new water pipeline and equipment for the benefit of South West Water	Work No. 36
7/3e	New right to construct, use, protect, inspect and maintain a new water pipeline and equipment for the benefit of South West Water New right to construct, use, protect, inspect and maintain a private access to fields for Trevalso Farm	Work No. 36
7/3f	New right to construct, use, protect, inspect and maintain a new water pipeline and equipment for the benefit of South West Water	Work No. 36
7/3g	New right to construct, use, protect, inspect and maintain a new drainage pipeline and equipment	Work No. 10(c)
7/3k	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 10(c)
7/3m	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 10(c)
7/3n	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 10(c)
7/3r	New right to construct, use, protect, inspect and maintain a new drainage outlet ditch and equipment	Work No. 10(c)
7/3s	New right to construct, use, protect, inspect and maintain a new drainage outlet ditch and equipment	Work No. 10(c)
7/3t	New right to construct, use, protect, inspect and maintain a new drainage outlet ditch and equipment	Work No. 10(c)
7/3u	New right to construct, use, protect, inspect and maintain a new water	Work No. 36

	pipeline and equipment for the benefit of South West Water	
7/3v	New right to construct, use, protect, inspect and maintain a new drainage outlet ditch and equipment	Work No. 10(c)
7/3x	New right to construct, use, protect, inspect and maintain a new water pipeline and equipment for the benefit of South West Water New right to construct, use, protect, inspect and maintain a private access to fields for Trevalso Farm	Work No. 36
7/3y	New right to construct, use, protect, inspect and maintain a new culvert and equipment	Work No. 1(cc)
7/3z	New right to construct, use, protect, inspect and maintain a new culvert and equipment	Work No. 1(cc)
7/3aa	New right to construct, use, protect, inspect and maintain a new water pipeline and equipment for the benefit of South West Water	Work Nos. 10(d) and 36
7/4c	New right to construct, use, protect, inspect and maintain new electrical apparatus and equipment for the benefit of Western Power Distribution	Work No. 40
7/7	New right to construct, use, protect, inspect and maintain a new drainage outlet ditch and equipment	Work No. 10(c)
7/9	New right to construct, use, protect, inspect and maintain new electrical apparatus and equipment for the benefit of Western Power Distribution	Work No. 40
<i>Land Plans – Sheet 8</i>		
8/3k	New right to construct, use, protect, inspect and maintain a new culvert and equipment	Work No. 1(cc)
8/3m	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 1(i)
8/3n	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and ditch and equipment	Work No. 1(i)
8/6b	New right to construct, use, protect, inspect and maintain a new drainage outlet ditch and equipment	Work No. 1(i)
8/6e	New right to construct, use, protect, inspect and maintain new electrical apparatus and equipment for the benefit of Western Power Distribution	Work No. 43
<i>Land Plans – Sheet 9</i>		
9/1s	New right to construct, use, protect, inspect and maintain a new culvert	Work No. 1(cc)

	and equipment	
9/2c	New right to construct, use, protect, inspect and maintain a new water pipeline and equipment for the benefit of South West Water	Work No. 45
<i>Land Plans – Sheet 10</i>		
10/1t	New right of access with or without vehicles plant and machinery	Work No. 1(l)
10/2	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 1(l)
10/2a	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 1(l)
10/3	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 1(l)
10/3b	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 1(l)
10/3d	New right of access with or without vehicles plant and machinery	Work No. 1(l)

**MODIFICATION OF COMPENSATION AND COMPULSORY
PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS
AND IMPOSITION OF RESTRICTIVE COVENANTS**

Compensation enactments

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

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

(2) For section 5A(5A) (relevant valuation date) of the 1961 Act substitute—

“(5A) If—

- (a) the acquiring authority enters on land for the purposes of exercising a right in pursuance of a notice of entry under section 11(1) of the Compulsory Purchase Act 1965 (as modified by paragraph 5(5) of Schedule 6 to the A30 Chiverton to Carland Cross Development Consent Order 20[•] (the “[•] Order”));
- (b) the acquiring authority is subsequently required by a determination under paragraph 12 of Schedule 2A to the Compulsory Purchase Act 1965 (as substituted by paragraph 5(8) of Schedule 6 to the [•] Order) to acquire an interest in the land; and

(c) the acquiring authority enter on and take possession of that land,

the authority is deemed for the purposes of subsection (3)(a) to have entered on that land when it entered on that land for the purpose of exercising that right.”.

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

(2) In section 44(1) (compensation for injurious affection), as it applies to compensation for injurious affection under section 7 (measure of compensation in case of severance) of the 1965 Act as substituted by paragraph 5(3)—

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

Application of Part 1 of the 1965 Act

4. Part 1 of the 1965 Act, as applied by section 125 (application of compulsory acquisition provisions) of the 2008 Act (and modified by article 29 (modification of Part 1 of the 1965 Act)) to the acquisition of land under article 23 (compulsory acquisition of land), applies to the compulsory acquisition of a right by the creation of a new right, or to the imposition of a restrictive covenant under article 26(1) (compulsory acquisition of rights)—

(a) 1973 c. 26.

- (a) with the modifications specified in paragraph 5; and
- (b) with such other modifications as may be necessary.

5.—(1) The modifications referred to in paragraph 4(a) are as follows.

(2) References in the 1965 Act to land are, in the appropriate contexts, to be read (according to the requirements of the particular context) as referring to, or as including references to—

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

(3) For section 7 (measure of compensation in case of severance) of the 1965 Act substitute—

“7. In assessing the compensation to be paid by the acquiring authority under this Act, regard must be had not only to the extent (if any) to which the value of the land over which the right is to be acquired or the restrictive covenant is to be imposed is depreciated by the acquisition of the right 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.”

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

(5) Section 11 (powers of entry) of the 1965 Act is modified so as to secure that, where the acquiring authority has served notice to treat in respect of any right or restriction, as well as the notice of entry required by subsection (1) of that section (as it applies to a compulsory acquisition under article 23), 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; and sections 11A(a) (powers of entry: further notices of entry), 11B(b) (counter-notice requiring possession to be taken on specified date), 12 (unauthorised entry) and 13 (refusal to give possession to acquiring authority) of the 1965 Act are modified correspondingly.

(6) Section 20 (tenants at will, etc.) of the 1965 Act 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.

(7) Section 22 (interests omitted from purchase) of the 1965 Act as modified by article 29(4) is also modified so 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.

(8) For Schedule 2A of the 1965 Act substitute—

(a) Section 11A was inserted by section 186(3) of the Housing and Planning Act 2016 (c. 22).
(b) Section 11B was inserted by section 187(2) of the above Act.

“SCHEDULE 2A

COUNTER-NOTICE REQUIRING PURCHASE OF LAND NOT IN NOTICE TO TREAT

Introduction

1.—(1) This Schedule applies where an acquiring authority serves a notice to treat in respect of a right over, or a restrictive covenant affecting, the whole or part of a house, building or factory and have not executed a general vesting declaration under section 4 of the 1981 Act as applied by article 30 (application of the 1981 Act) of the A30 Chiverton to Carland Cross Development Consent Order 20[•] in respect of the land to which the notice to treat relates.

(2) But see article 31(3) (acquisition of subsoil or airspace only) of the A30 Chiverton to Carland Cross Development Consent Order 20[•] which excludes the acquisition of subsoil or airspace only from this Schedule.

2. In this Schedule, “house” includes any park or garden belonging to a house.

Counter-notice requiring purchase of land

3. A person who is able to sell the house, building or factory (“the owner”) may serve a counter-notice requiring the acquiring authority to purchase the owner’s interest in the house, building or factory.

4. A counter-notice under paragraph 3 must be served within the period of 28 days beginning with the day on which the notice to treat was served.

Response to counter-notice

5. On receiving a counter-notice, the acquiring authority must decide whether to—

- (a) withdraw the notice to treat,
- (b) accept the counter-notice, or
- (c) refer the counter-notice to the Upper Tribunal.

6. The authority must serve notice of their decision on the owner within the period of 3 months beginning with the day on which the counter-notice is served (“the decision period”).

7. If the authority decide to refer the counter-notice to the Upper Tribunal they must do so within the decision period.

8. If the authority do not serve notice of a decision within the decision period it is to be treated as if it had served notice of a decision to withdraw the notice to treat at the end of that period.

9. If the authority serve notice of a decision to accept the counter-notice, the compulsory purchase order and the notice to treat are to have effect as if they included the owner’s interest in the house, building or factory.

Determination by the Upper Tribunal

10. On a referral under paragraph 7, the Upper Tribunal must determine whether the acquisition of the right of the imposition of the restrictive covenant would—

- (a) in the case of a house, building or factory, cause material detriment to the house, building or factory, or
- (b) in the case of a park or garden, seriously affect the amenity or convenience of the house to which the park or garden belongs.

11. In making the determination, the Upper Tribunal must take into account—

- (a) the effect of the acquisition of the right or the imposition of the covenant,
- (b) the use to be made of the right or covenant proposed to be acquired or imposed, and
- (c) if the right or covenant is proposed to be acquired or imposed for works or other purposes extending to other land, the effect of the whole of the works and the use of the other land.

12. If the Upper Tribunal determines that the acquisition of the right or the imposition of the covenant would have either of the consequences described in paragraph 10, it must determine how much of the house, building or factory the acquiring authority ought to be required to take.

13. If the Upper Tribunal determines that the acquiring authority ought to be required to take some or all of the house, building or factory, the compulsory purchase order and the notice to treat are to have effect as if they included the owner's interest in that land.

14.—(1) If the Upper Tribunal determines that the acquiring authority ought to be required to take some or all of the house, building or factory, the acquiring authority may at any time within the period of 6 weeks beginning with the day on which the Upper Tribunal makes its determination withdraw the notice to treat in relation to that land.

(2) If the acquiring authority withdraws the notice to treat under this paragraph it must pay the person on whom the notice was served compensation for any loss or expense caused by the giving and withdrawing of the notice.

15. Any dispute as to the compensation is to be determined by the Upper Tribunal.”

SCHEDULE 7

Article 33

LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

<i>(1)</i> Location	<i>(2)</i> Plot Reference Number shown on land plans	<i>(3)</i> Purpose for which temporary possession may be taken	<i>(4)</i> Relevant part of the authorised development
<i>Land Plans – Sheet 1</i>			
Perranzabuloe, Kenwyn Civil Parishes	1/1k	The provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the realigned B3277	Work No. 3(f)
Perranzabuloe, Kenwyn Civil Parishes	1/1q	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the realigned B3277	Work No. 3(f)
Perranzabuloe Civil Parish	1/1t	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the realigned B3277	Work No. 3(f)
Kenwyn Civil Parish	1/1aa	Required for the provision of and to provide working space and temporary access for works associated with the provision of the new land drainage ditch and boundary treatment for the realigned A390	Work No. 3(i)
Kenwyn Civil Parish	1/1ac	Required for the provision of a site compound, including but not limited to site offices, welfare facilities, parking for workers' private vehicles and work vehicles, storage of plant, materials and top soil and the treatment of site-generated waste	Work No. 1(x)
Perranzabuloe Civil Parish	1/1am	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
Perranzabuloe Civil Parish	1/6	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the realigned B3277	Work No. 3(f)
Perranzabuloe Civil Parish	1/9	Required for the construction of a new private means of access to Silversprings and boundary	Work No. 3(f)

		treatment for the realigned B3277	
Perranzabuloe Civil Parish	1/9d	Required for the provision of and to provide working space and temporary access for works associated with the improvement of the boundary treatment for the new A30	Work No. 1
Kenwyn Civil Parish	1/10a	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the realigned A390	Work No. 3(i)
Perranzabuloe, Kenwyn Civil Parishes	1/10d	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the realigned A390	Work No. 3(i)
Perranzabuloe, Kenwyn Civil Parishes	1/10m	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the realigned A390	Work No. 3(i)
Perranzabuloe Civil Parish	1/15	Required for the provision of and to provide working space and temporary access for works associated with the improvement of the boundary treatment for the realigned A3075	Work No. 3(g)
<i>Land Plans – Sheet 2</i>			
Perranzabuloe Civil Parish	2/1	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
Perranzabuloe Civil Parish	2/3c	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the realigned unclassified road U6072	Work No. 3(j)
Perranzabuloe Civil Parish	2/3n	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the realigned A3075	Work No. 3(g)
Perranzabuloe Civil Parish	2/3r	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
Perranzabuloe Civil Parish	2/3t	Required for the provision of and to provide working space and	Work No. 1

		temporary access for works associated with the provision of the boundary treatment for the new A30	
Perranzabuloe Civil Parish	2/3u	Required for the provision of and to provide working space and temporary access for works associated with the provision of gated access from the A3075	Work No. 3(g)
Perranzabuloe Civil Parish	2/3w	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
Perranzabuloe Civil Parish	2/3y	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the realigned unclassified road U6072	Work No. 3(j)
Perranzabuloe Civil Parish	2/7	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
Perranzabuloe Civil Parish	2/7a	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
Perranzabuloe Civil Parish	2/7b	Required for the provision of and to provide working space and temporary access for works associated with the provision of the new land drainage ditch and boundary treatment for the new A30	Work No. 1
Perranzabuloe Civil Parish	2/7f	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
Perranzabuloe Civil Parish	2/7g	Required for the provision of and to provide working space and temporary access for works associated with the provision of the new land drainage ditch and boundary treatment for the new A30	Work No. 1
Perranzabuloe Civil Parish	2/8	Required for the provision of and to provide working space and temporary access for works	Work No. 1

		associated with the provision of the boundary treatment for the new A30	
<i>Land Plans – Sheet 3</i>			
Perranzabuloe Civil Parish	3/1	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
Kenwyn Civil Parish	3/1e	Required for the provision of and to provide working space and temporary access for works associated with the provision of the new land drainage ditch and boundary treatment for the realigned A30	Work No. 2(a)
Kenwyn Civil Parish	3/1q	Required for the provision of and to provide working space and temporary access for works associated with the provision of a new private means of access and the construction of drainage culverts	Work Nos. 1(bb) and 2(a)
Kenwyn Civil Parish	3/1t	Required for the provision of and to provide working space and temporary access for works associated with the provision of the new land drainage ditch and boundary treatment for the realigned A30	Work No. 2(a)
Perranzabuloe Civil Parish	3/2	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
Kenwyn Civil Parish	3/2b	Required for the provision of and to provide working space and temporary access for works associated with the provision of the new land drainage ditch and boundary treatment for the realigned A30	Work No. 2(a)
Kenwyn Civil Parish	3/2c	Required for the provision of and to provide working space and temporary access for works associated with the provision of a new private means of access and the construction of drainage culverts	Work Nos. 1(bb) and 2(a)
Kenwyn Civil Parish	3/2d	Required for the provision of and to provide working space and temporary access for works associated with the provision of the new land drainage ditch and boundary treatment for the realigned A30	Work No. 2(a)

Kenwyn Civil Parish	3/2e	Required for the provision of and to provide working space and temporary access for works associated with the provision of the new land drainage ditch and boundary treatment for the realigned A30	Work No. 2(a)
Kenwyn Civil Parish	3/2f	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the realigned A30	Work No. 2(a)
Kenwyn Civil Parish	3/2h	Required for the construction of a new private means of access	Work No. 2(a)
Kenwyn Civil Parish	3/2k	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the realigned A30	Work No. 4(j)
Kenwyn Civil Parish	3/2m	Required to provide temporary road for works associated with the construction of the new grade separated dumbbell junction at Chybucca	Work No. 4
Perranzabuloe Civil Parish	3/3	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
Perranzabuloe Civil Parish	3/3n	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
Kenwyn Civil Parish	3/4	Required for the provision of and to provide working space and temporary access for works associated with the provision of the new land drainage ditch and boundary treatment for the realigned A30	Work No. 2(a)
Kenwyn Civil Parish	3/4e	Required for the provision of and to provide working space and temporary access for works associated with the provision of the new land drainage ditch and boundary treatment for the realigned A30	Work No. 2(a)
Kenwyn Civil Parish	3/4g	Required for the provision of and to provide working space and temporary access for works associated with the provision of	Work No. 2(a)

		the new land drainage ditch and boundary treatment for the realigned A30	
Kenwyn Civil Parish	3/6a	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the realigned A30	Work No. 2(a)
Kenwyn Civil Parish	3/6b	Required for the provision of and to provide working space and temporary access for works associated with the provision of a new private means of access and the construction of drainage culverts	Work No. 2(a)
Kenwyn Civil Parish	3/6d	Required for the provision of and to provide working space and temporary access for works associated with the provision of the new land drainage ditch and boundary treatment for the realigned A30	Work No. 2(a)
Kenwyn Civil Parish	3/9b	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the realigned A30	Work No. 4(j)
Kenwyn Civil Parish	3/9c	Required to provide temporary road for works associated with the construction of the new grade separated dumbbell junction at Chybucca	Work No. 4
<i>Land Plans – Sheet 4</i>			
Perranzabuloe, St Allen, Kenwyn Civil Parishes	4/1a	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
Kenwyn Civil Parish	4/1c	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
Perranzabuloe Civil Parish	4/1d	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
Perranzabuloe Civil Parish	4/1e	Required for the realignment of the Allet Road	Work No. 6(b)
Perranzabuloe Civil Parish	4/1f	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
Perranzabuloe, St Allen Civil Parishes	4/1k	Required for all purposes associated with the de-trunking of	-

		the existing A30 between Carland Cross and Chiverton	
St Allen Civil Parish	4/1m	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
Perranzabuloe, Kenwyn Civil Parishes	4/1n	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
Perranzabuloe Civil Parish	4/2	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the realigned B3284	Work No. 4(g)
Kenwyn Civil Parish	4/3a	Required for the construction of a new private means of access	Work No. 4
Kenwyn Civil Parish	4/3b	Required for the construction of a new private means of access	Work No. 4
Kenwyn Civil Parish	4/3c	Required to provide temporary road for works associated with the construction of the new grade separated dumbbell junction at Chybucca	Work No. 4
Kenwyn Civil Parish	4/4	Required for the construction of a new private means of access	Work No. 4
Kenwyn Civil Parish	4/4c	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
Kenwyn Civil Parish	4/4d	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
Kenwyn Civil Parish	4/4e	Required for the provision of and to provide working space and temporary access for works associated with the provision of a gated access	Work No. 1
Kenwyn Civil Parish	4/4g	Required to provide temporary road for works associated with the construction of the new grade separated dumbbell junction at Chybucca	Work No. 4
Kenwyn Civil Parish	4/4j	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1

Kenwyn Civil Parish	4/4n	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
Kenwyn Civil Parish	4/4p	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
Kenwyn Civil Parish	4/4r	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30 and the stopping up of northern section of existing Bridleway BR309/3/1 north of the proposed A30 mainline	Work No. 1
Kenwyn Civil Parish	4/4u	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30 and the stopping up of northern section of bridleway BR309/3/1 south of the proposed A30 mainline	Work No. 1
Kenwyn Civil Parish	4/4w	Required for the stopping up of northern section of bridleway BR309/3/1 north of the proposed A30 mainline	Work No. 6(e)
Perranzabuloe, Kenwyn Civil Parishes	4/5a	Required to provide temporary road for works associated with the construction of the new grade separated dumbbell junction at Chybucca	Work No. 4
Kenwyn Civil Parish	4/6a	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
Perranzabuloe, Kenwyn Civil Parishes	4/6b	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
Kenwyn Civil Parish	4/6c	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
Kenwyn Civil Parish	4/6e	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
Kenwyn Civil Parish	4/6j	Required for all purposes	-

		associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
Kenwyn Civil Parish	4/8a	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30 and the stopping up of northern section of bridleway BR309/3/1 north of the proposed A30 mainline	Work No. 1
Kenwyn Civil Parish	4/8c	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30 and the stopping up of northern section of bridleway BR309/3/1 south of the proposed A30 mainline	Work No. 1
Kenwyn Civil Parish	4/8e	Required for the provision of a site compound, including but not limited to site offices, welfare facilities, parking for workers' private vehicles and work vehicles, storage of plant, materials and top soil and the treatment of site-generated waste	Work No. 6(e)
Kenwyn Civil Parish	4/8f	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
Kenwyn Civil Parish	4/8h	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
Kenwyn Civil Parish	4/8k	Required for the provision of and to provide working space and temporary access for works associated with the provision of the new land drainage ditch and boundary treatment for the conversion of the Allet Road to an emergency access track	Work No. 6(c)
Kenwyn Civil Parish	4/8n	Required for the stopping up of northern section of bridleway BR309/3/1 north of the proposed A30 mainline	Work No. 6(e)
Kenwyn Civil Parish	4/9a	Required for the provision of a site compound, including but not limited to site offices, welfare	Work No. 6(e)

		facilities, parking for workers' private vehicles and work vehicles, storage of plant, materials and top soil and the treatment of site-generated waste	
Kenwyn Civil Parish	4/9b	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
Kenwyn Civil Parish	4/9d	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
Kenwyn Civil Parish	4/9g	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
<i>Land Plans – Sheet 5</i>			
St Allen Civil Parish	5/1	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
Perranzabuloe Civil Parish	5/1a	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
Perranzabuloe, St Allen Civil Parishes	5/1b	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
Perranzabuloe Civil Parish	5/1c	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
Perranzabuloe Civil Parish	5/1d	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
Perranzabuloe, St Allen Civil Parishes	5/1e	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
St Allen Civil Parish	5/1f	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
St Allen Civil Parish	5/1g	Required for all purposes associated with the de-trunking of the existing A30 between Carland	-

		Cross and Chiverton	
St Allen Civil Parish	5/1h	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
St Allen Civil Parish	5/1j	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
St Allen Civil Parish	5/1k	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
St Allen Civil Parish	5/1m	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
St Allen Civil Parish	5/1n	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
St Allen Civil Parish	5/1p	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
St Allen Civil Parish	5/1q	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
St Allen Civil Parish	5/1r	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
St Allen Civil Parish	5/1s	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
Perranzabuloe and St Allen Civil Parishes	5/1u	Required for access and traffic management during construction	Work No. 1(m)
St Allen Civil Parish	5/2c	Required for the construction of a new private means of access	Work No. 1
Perranzabuloe Civil Parish	5/3a	Required for the provision of a site compound, including but not limited to site offices, welfare facilities, parking for workers' private vehicles and work vehicles, storage of plant, materials and top soil and the treatment of site-generated waste	Work No. 1(y)
St Allen Civil Parish	5/5	Required for the provision of a site compound, including but not limited to site offices, welfare facilities, parking for workers' private vehicles and work vehicles, storage of plant,	Work No. 1(m)

		materials and top soil and the treatment of site-generated waste	
Perranzabuloe and St Allen Civil Parishes	5/5a	Required for access and traffic management during construction	Work No. 1(m)
Perranzabuloe Civil Parish	5/6	Required for access and traffic management during construction	Work No. 1(m)
St Allen Civil Parish	5/7d	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
<i>Land Plans – Sheet 6</i>			
St Allen Civil Parish	6/1h	Required for the provision of a site compound, including but not limited to site offices, welfare facilities, parking for workers' private vehicles and work vehicles, storage of plant, materials and top soil and the treatment of site-generated waste	Work No. 9(b)
St Allen Civil Parish	6/1j	Required for the provision of a site compound, including but not limited to site offices, welfare facilities, parking for workers' private vehicles and work vehicles, storage of plant, materials and top soil and the treatment of site-generated waste	Work No. 9(b)
St Allen Civil Parish	6/1k	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
St Allen Civil Parish	6/1m	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
St Allen Civil Parish	6/1n	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
St Allen Civil Parish	6/1q	Required for the construction of a new private means of access	Work No. 1
St Allen Civil Parish	6/1s	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
St Allen Civil Parish	6/1w	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
Perranzabuloe, St Allen Civil Parishes	6/2a	Works associated with a length of new highway to unnamed road	Work No. 2(b)
Perranzabuloe, St Allen Civil Parishes	6/2b	Works associated with a length of new highway to unnamed road	Work No. 2(b)

Perranzabuloe Civil Parish	6/3a	Works associated with a length of new highway to unnamed road	Work No. 2(b)
St Allen Civil Parish	6/4b	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
Perranzabuloe, St Allen Civil Parishes	6/4c	Works associated with a length of new highway to unnamed road	Work No. 2(b)
St Allen Civil Parish	6/4e	Works associated with a length of new highway to unnamed road	Work No. 2(b)
St Allen Civil Parish	6/4f	Works associated with a length of new highway to unnamed road	Work No. 2(b)
St Allen Civil Parish	6/7b	Required for the provision of a site compound, including but not limited to site offices, welfare facilities, parking for workers' private vehicles and work vehicles, storage of plant, materials and top soil and the treatment of site-generated waste	Work No. 1(z)
St Allen Civil Parish	6/7c	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
St Allen Civil Parish	6/7g	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the realigned bridleway and new private means of access	Work No. 1
St Allen Civil Parish	6/10b	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the realigned bridleway and new private means of access	Work No. 1
St Allen Civil Parish	6/10c	Required for the provision of a site compound, including but not limited to site offices, welfare facilities, parking for workers' private vehicles and work vehicles, storage of plant, materials and top soil and the treatment of site-generated waste	Work No. 9(b)
St Allen Civil Parish	6/10e	Required to construct a new drainage ditch	Work No. 1(bb)
St Allen Civil Parish	6/11a	Required to construct a new drainage ditch	Work No. 1(bb)
St Allen Civil Parish	6/11b	Required for the construction of a	Work No. 1

		new private means of access	
St Allen Civil Parish	6/11f	Required for the construction of a new private means of access	Work No. 1
<i>Land Plans – Sheet 7</i>			
St Allen Civil Parish	7/1	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
St Allen Civil Parish	7/1h	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
St Allen Civil Parish	7/1j	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
St Allen Civil Parish	7/1k	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
St Allen Civil Parish	7/1m	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
St Allen Civil Parish	7/1n	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
St Allen Civil Parish	7/1p	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
St Allen Civil Parish	7/1q	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
St Allen Civil Parish	7/1r	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
St Allen Civil Parish	7/1w	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
St Allen Civil Parish	7/1x	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
St Allen Civil Parish	7/3ab	Required for the construction of a new private means of access	Work No. 1
St Allen Civil Parish	7/3ac	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the	Work No. 1

		new A30	
St Allen Civil Parish	7/3q	Required for the provision of a site compound, including but not limited to site offices, welfare facilities, parking for workers' private vehicles and work vehicles, storage of plant, materials and top soil and the treatment of site-generated waste	Work No. 10(d)
St Allen Civil Parish	7/9b	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
St Allen Civil Parish	7/9c	Required for the provision of and to provide working space and temporary access for works associated with the provision of a gated access	Work No. 11
St Allen Civil Parish	7/9d	Required for the provision of a site compound, including but not limited to site offices, welfare facilities, parking for workers' private vehicles and work vehicles, storage of plant, materials and top soil and the treatment of site-generated waste	Work No. 11
St Allen Civil Parish	7/9f	Required for works to cap mineshafts	Work No. 1(ff)
St Allen Civil Parish	7/9g	Required for works to cap mineshafts	Work No. 1(ff)
St Allen Civil Parish	7/10a	Required for works to cap mineshafts	Work No. 1(ff)
St Allen Civil Parish	7/11	Required for works to cap mineshafts	Work No. 1(ff)
<i>Land Plans – Sheet 8</i>			
St Erme Civil Parish	8/1	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
St Erme Civil Parish	8/1a	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
St Erme Civil Parish	8/1b	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
St Allen Civil Parish	8/2d	Required for the construction of a new private means of access	Work No. 11(a)
St Allen Civil Parish	8/2e	Required for the construction of a new private means of access	Work No. 11(a)
St Allen Civil Parish	8/2f	Required for the construction of a new private means of access	Work No. 11(a)

St Erme Civil Parish	8/3a	Required to provide working space and temporary access for works associated with the provision of ecological mitigation	Work No. 1
St Erme Civil Parish	8/3b	Required to provide working space and temporary access for works associated with the provision of ecological mitigation	Work No. 1
St Erme Civil Parish	8/6d	Required for works to cap mineshafts	Work No. 1(ff)
St Erme Civil Parish	8/6g	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
<i>Land Plans – Sheet 9</i>			
St Erme Civil Parish	9/1	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
St Erme Civil Parish	9/1a	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
St Erme Civil Parish	9/1q	Required for the construction of advance direction sign associated with the re-configuration of the existing Carland Cross roundabout south of the main carriageway of the new A30	Work No. 5
St Newlyn East Civil Parish	9/1t	Required for the reinstatement of a private means of access	Work No. 1
St Newlyn East Civil Parish	9/1w	Required for the reinstatement of a private means of access	Work No. 1
St Newlyn East Civil Parish	9/1y	Required for the reinstatement of a private means of access	Work No. 1
St Erme Civil Parish	9/2a	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
St Erme Civil Parish	9/3	Required for the construction of a stabilised earthworks slope adjacent to the quarry pond	Work No. 1(ee)
St Newlyn East Civil Parish	9/4	Required for the enhancement of heathland corridor at Carland Cross	Work No. 1
St Newlyn East Civil Parish	9/4a	Required for the enhancement of heathland corridor at Carland Cross	Work No. 1
St Newlyn East Civil Parish	9/4g	Required for a new spring chamber to be constructed	Work No. 1
St Newlyn East Civil	9/5a	Required for a new spring	Work No. 1

Parish		chamber to be constructed	
St Erme Civil Parish	9/6	Required for the construction of advance direction sign associated with the re-configuration of the existing Carland Cross roundabout south of the main carriageway of the new A30	Work No. 5
St Erme Civil Parish	9/6a	Required for the construction of advance direction sign associated with the re-configuration of the existing Carland Cross roundabout south of the main carriageway of the new A30	Work No. 5
St Newlyn East Civil Parish	9/7	Required for the provision of a site compound, including but not limited to site offices, welfare facilities, parking for workers' private vehicles and work vehicles, storage of plant, materials and top soil and the treatment of site-generated waste	Work No. 1(aa)
St Newlyn East Civil Parish	9/7a	Required for the reinstatement of a private means of access	Work No. 1
<i>Land Plans – Sheet 10</i>			
St Newlyn East Civil Parish	10/1	Required for the reinstatement of a private means of access	Work No. 1
St Newlyn East Civil Parish	10/1k	Required for the reinstatement of a private means of access	Work No. 1
St Newlyn East Civil Parish	10/1r	Required for the reinstatement of a private means of access	Work No. 1
St Newlyn East Civil Parish	10/1s	Required for the reinstatement of a private means of access	Work No. 1
St Newlyn East Civil Parish	10/4	Required for the provision of a site compound, including but not limited to site offices, welfare facilities, parking for workers' private vehicles and work vehicles, storage of plant, materials and top soil and the treatment of site-generated waste	Work No. 1(aa)
St Newlyn East Civil Parish	10/4b	Required for the reinstatement of a private means of access	Work No. 1

SCHEDULE 8

Article 40

TREES SUBJECT TO TREE PRESERVATION ORDERS

<i>(1)</i> <i>Name of Order/Type of tree</i>	<i>(2)</i> <i>Work to be carried out</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
<p>North Plantation near Tregavethen Kenwyn Tree Preservation Order 1948 (Reference C1/10)</p> <p>A mixed deciduous and evergreen woodland with a proportion of pine (Tree Reference W1)</p>	<p>Potential disturbance to roots and removal of trees to enable drainage works</p>	<p>Work No. 1(bb)</p>

PROTECTIVE PROVISIONS

PART 1

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

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

2. In this Part of this Schedule—

“alternative 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 utility undertaker;
- (b) in the case of a gas undertaker, any mains, pipes or other apparatus belonging to or maintained by a gas transporter within the meaning of Part 1 of the Gas Act 1986(b) 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 utility undertaker for the purposes of water supply; and
- (d) in the case of a sewerage undertaker—
 - (i) any drain or works vested in the utility undertaker under the Water Industry Act 1991(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) (adoption of sewers and disposal works) of that Act or an agreement to adopt made under section 104 (agreements to adopt sewer, drain or sewage disposal works, at future date) of that Act(d),

and includes a sludge main, disposal main (within the meaning of section 219 (general interpretation) of that Act) or sewer outfall and any manholes, ventilating shafts, pumps or other accessories forming part of any such sewer, drain or works,

and includes any structure in which apparatus is or is to be lodged or which gives or will give access to apparatus;

“functions” includes powers and duties;

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

“plan” includes all designs, drawings, specifications, method statements, soil reports, programmes, calculations, risk assessments and other documents that are reasonably necessary properly and sufficiently to describe the works to be executed; and

“utility 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;
- (c) a water undertaker within the meaning of the Water Industry Act 1991; and

(a) 1989 c. 29.

(b) 1986 c. 44.

(c) 1991 c. 56.

(d) Section 104 was amended by section 42(3) of the Flood and Water Management Act 2010 (c. 29).

(d) a sewerage undertaker within the meaning of Part 1 of the Water Industry Act 1991, for the area of the authorised development, and in relation to any apparatus, means the utility 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 undertaker and the utility undertaker are regulated by the provisions of Part 3 (street works in England and Wales) of the 1991 Act.

Apparatus in stopped up streets

4.—(1) Where any street is stopped up under article 16 (permanent stopping up and restriction of use of streets and private means of access), any utility undertaker whose apparatus is in the street has the same powers and rights in respect of that apparatus as it enjoyed immediately before the stopping up and the undertaker must grant to the utility undertaker legal easements reasonably satisfactory to the utility undertaker in respect of such apparatus and access to it, but nothing in this paragraph affects any right of the undertaker or of the utility undertaker to require the removal of that apparatus under paragraph 7 or the power of the undertaker to carry out works under paragraph 9.

(2) Regardless of the temporary stopping up or diversion of any highway under the powers conferred by article 15 (temporary stopping up and restriction of use of streets), a utility undertaker is at liberty at all times to take all necessary access across any such stopped up highway and to execute and do all such works and things in, upon or under any such highway as may be reasonably necessary or desirable to enable it to maintain any apparatus which at the time of the stopping up or diversion was in that highway.

Protective works to buildings

5. The undertaker, in the case of the powers conferred by article 21 (protective works to buildings), must exercise those powers so as not to obstruct or render less convenient the access to any apparatus.

Acquisition of land

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

Removal of apparatus

7.—(1) If, in the exercise of the powers conferred by this Order, the undertaker acquires any interest in any land in which any apparatus is placed or requires that the utility undertaker's apparatus is relocated or diverted, that apparatus must not be removed under this Part of this Schedule, and any right of a utility 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 utility undertaker in question in accordance with sub-paragraphs (2) to (7).

(2) If, for the purpose of executing any works in, on or under any land purchased, held, appropriated or used under this Order, the undertaker requires the removal of any apparatus placed in that land, the undertaker must give to the utility undertaker in question 28 days' written notice of that requirement, together with a plan of the work proposed, and of the proposed position of the alternative apparatus to be provided or constructed and in that case (or if in consequence of the exercise of any of the powers conferred by this Order a utility undertaker reasonably needs to remove any of its apparatus) the undertaker must, subject to sub-paragraph (3), afford to the utility undertaker the necessary facilities and rights for the construction of alternative apparatus in other land of the undertaker and subsequently for the maintenance of that apparatus.

(3) If alternative apparatus or any part of such apparatus is to be constructed elsewhere than in other land of the undertaker, or the undertaker is unable to afford such facilities and rights as are mentioned in sub-paragraph (2) in the land in which the alternative apparatus or part of such apparatus is to be constructed, the utility undertaker in question must, on receipt of a written notice to that effect from the undertaker, as soon as reasonably possible use its best endeavours to obtain the necessary facilities and rights in the land in which the alternative apparatus is to be constructed.

(4) Any alternative apparatus to be constructed in land of the undertaker under this Part of this Schedule must be constructed in such manner and in such line or situation as may be agreed between the utility undertaker in question and the undertaker or in default of agreement settled by arbitration in accordance with article 47 (arbitration).

(5) The utility undertaker in question must, after the alternative apparatus to be provided or constructed has been agreed or settled by arbitration in accordance with article 47 (arbitration), and after the grant to the utility undertaker of any such facilities and rights as are referred to in sub-paragraph (2) or (3), proceed without unnecessary delay to construct and bring into operation the alternative apparatus and subsequently to remove any apparatus required by the undertaker to be removed under the provisions of this Part of this Schedule.

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

(7) Nothing in sub-paragraph (6) authorises the undertaker to execute the placing, installation, bedding, packing, removal, connection or disconnection of any apparatus, or execute any filling around the apparatus (where the apparatus is laid in a trench) within 300 millimetres of the apparatus.

Facilities and rights for alternative apparatus

8.—(1) Where, in accordance with the provisions of this Part of this Schedule, the undertaker affords to a utility undertaker facilities and rights for the construction and maintenance in land of the undertaker of alternative apparatus in substitution for apparatus to be removed, those facilities and rights are to be granted upon such terms and conditions as may be agreed between the undertaker and the utility undertaker in question or in default of agreement settled by arbitration in accordance with article 47 (arbitration).

(2) If the facilities and rights to be afforded by the undertaker in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted, are in the opinion of the arbitrator less favourable on the whole to the utility undertaker in question than the facilities and rights enjoyed by it in respect of the apparatus to be removed and the terms and conditions to which those facilities and rights are subject, the arbitrator must make such provision for the payment of compensation by the undertaker to that utility undertaker as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case.

Retained apparatus

9.—(1) Not less than 28 days before starting the execution of any works in, on or under any land purchased, held, appropriated or used under this Order that are near to, or will or may affect, any apparatus the removal of which has not been required by the undertaker under paragraph 7(2), the undertaker must submit to the utility undertaker in question a plan of the works to be executed.

(2) Those works must be executed only in accordance with the plan submitted under sub-paragraph (1) and in accordance with such reasonable requirements as may be made in accordance with sub-paragraph (3) by the utility undertaker for the alteration or otherwise for the protection of

the apparatus, or for securing access to it, and the utility undertaker is entitled to watch and inspect the execution of those works.

(3) Any requirements made by a utility undertaker under sub-paragraph (2) are to 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 a utility undertaker, in accordance with sub-paragraph (3) and in consequence of the works proposed by the undertaker, reasonably requires the removal of any apparatus and gives written notice to the undertaker of that requirement, paragraphs 1 to 3 and 6 to 8 apply as if the removal of the apparatus had been required by the undertaker under paragraph 7(2).

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

(6) The undertaker is not required to comply with sub-paragraph (1) in a case of emergency but in that case it must give to the utility 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 (3) in so far as is reasonably practicable in the circumstances.

(7) In relation to works which will or may be situated on, over, under or within 10 metres measured in any direction of any electricity apparatus, the plan to be submitted to the utility undertaker under sub-paragraph (1) must be detailed, include a method statement and describe—

- (a) the exact position of the works;
- (b) the level at which they are proposed to be constructed or renewed;
- (c) the manner of their construction or renewal;
- (d) the position of all electricity apparatus; and
- (e) by way of detailed drawings, every alteration proposed to be made to such apparatus.

Expenses and costs

10.—(1) Subject to the following provisions of this paragraph, the undertaker must repay to a utility undertaker all expenses reasonably incurred by that utility undertaker in, or in connection with, the inspection, removal, alteration or protection of any apparatus or the construction of any new apparatus which may be required in consequence of the execution of any such works as are referred to in paragraph 7(2).

(2) The value of any apparatus removed under the provisions of this Part of this Schedule must 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 undertaker or, in default of agreement, is not determined by arbitration in accordance with article 47 (arbitration) to be necessary then, if such placing involves cost 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 utility undertaker in question by virtue of sub-paragraph (1) must be reduced by the amount of that excess.

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

- (a) an extension of apparatus to a length greater than the length of existing apparatus 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 a utility undertaker in respect of works by virtue of sub-paragraph (1), 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 undertaker any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, is to be reduced by the amount which represents that benefit.

11.—(1) Subject to sub-paragraphs (2) and (3), if by reason or in consequence of the construction of any such works referred to in paragraphs 5 or 7(2) any damage is caused to any apparatus or alternative apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works) or property of a utility undertaker, or there is any interruption in any service provided, or in the supply of any goods, by any utility undertaker, the undertaker must—

- (a) bear and pay the cost reasonably incurred by that utility undertaker in making good such damage or restoring the supply; and
- (b) make reasonable compensation to that utility undertaker for any other expenses, loss, damages, penalty or costs incurred by the utility undertaker,

by reason or in consequence of any such damage or interruption.

(2) The fact that any act or thing may have been done by a utility undertaker on behalf of the undertaker or in accordance with a plan approved by a utility undertaker or in accordance with any requirement of a utility undertaker or under its supervision does not, subject to sub-paragraph (3), excuse the undertaker from liability under the provisions of sub-paragraph (1).

(3) Nothing in sub-paragraph (1) imposes any liability on the undertaker with respect to any damage or interruption to the extent that it is attributable to the act, neglect or default of a utility undertaker, its officers, servants, contractors or agents.

(4) A utility undertaker must give the undertaker reasonable notice of any such claim or demand and no settlement or compromise is to be made without the consent of the undertaker and, if such consent is withheld, the undertaker has the sole conduct of any settlement or compromise of any proceedings necessary to resist the claim or demand.

Cooperation

12. Where in consequence of the proposed construction of any part of the authorised development, the undertaker or a utility undertaker requires the removal of apparatus under paragraph 7(2) or a utility undertaker makes requirements for the protection or alteration of apparatus under paragraph 9, the undertaker must use its best endeavours to co-ordinate the execution of the works in the interests of safety and the efficient and economic execution of the authorised development and taking into account the need to ensure the safe and efficient operation of the utility undertaker's undertaking and each utility undertaker must use its best endeavours to co-operate with the undertaker for that purpose.

13. Nothing in this Part of this Schedule affects the provisions of any enactment or agreement regulating the relations between the undertaker and a utility undertaker in respect of any apparatus in land belonging to the undertaker on the date on which this Order is made.

PART 2

FOR THE PROTECTION OF OPERATORS OF ELECTRONIC COMMUNICATIONS CODE NETWORKS

14. For the protection of any operator, the following provisions have effect, unless otherwise agreed in writing between the undertaker and the operator.

15. In this Part of this Schedule—

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

“infrastructure system” has the same meaning as in the electronic communications code and references to providing an infrastructure system are to be construed in accordance with paragraph 7 (infrastructure system) 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 section 106(b) (application of the electronic communications code) of the 2003 Act;

“electronic communications code network” means—

- (a) so much of an electronic communications network or infrastructure 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 undertaker 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.

16. The exercise of the powers conferred by article 35 (statutory undertakers) is subject to Part 10 (undertaker’s works affecting electronic communications apparatus) of the electronic communications code.

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

- (a) any damage is caused to any electronic communications apparatus belonging to an operator (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of the authorised development), or other property of an operator; or
- (b) there is any interruption in the supply of the service provided by an operator,

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

(2) Nothing in sub-paragraph (1) imposes any liability on the undertaker with respect to any damage or interruption to the extent that it is attributable to the act, neglect or default of an operator, its officers, servants, contractors or agents.

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

(a) 2003 c. 21.

(b) Section 106 was amended by section 4 of the Digital Economy Act 2017.

(4) Any difference arising between the undertaker and the operator under this Part of this Schedule must be referred to and settled by arbitration under article 47 (arbitration).

18. This Part of this Schedule does not apply to—

- (a) any apparatus in respect of which the relations between the undertaker and an operator are regulated by the provisions of Part 3 (street works in England and Wales) of the 1991 Act; or
- (b) any damages, or any interruptions, caused by electro-magnetic interference arising from the construction or use of the authorised development.

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

PART 3

FOR THE PROTECTION OF THE ENVIRONMENT AGENCY

20. The following provisions apply for the protection of the Agency unless otherwise agreed in writing between the undertaker and the Agency.

21. In this Part of this Schedule—

“the Agency” means the Environment Agency;

“construction” includes placing, altering, replacing, relaying, removing and excavating and “construct” and “constructed” are to be construed accordingly;

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

“fishery” means any waters containing fish and fish in, or migrating to or from, such waters and the spawn, spawning ground, habitat or food of such fish;

“main river” means all watercourses shown as such on the statutory main river maps held by the Agency and the Department for Environment Food and Rural Affairs including any structure or appliance for controlling or regulating the flow of water in or out of the channel;

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

“specified work” means so much of any work or operation authorised by this Order as is in, on, under, over or within 8 metres of a drainage work or is otherwise likely to—

- (a) affect any drainage work or the volumetric rate of flow of water in or flowing to or from any drainage work;
- (b) affect the flow, purity or quality of water in any watercourse or other surface waters or ground water;
- (c) cause obstruction to the free passage of fish or damage to any fishery;
- (d) affect the conservation, distribution or use of water resources; or
- (e) affect the conservation value of the main river and habitats in its immediate vicinity;

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

22.—(1) Before beginning to construct any specified work, the undertaker must submit to the Agency plans of the specified work and such further particulars available to it as the Agency may within 28 days of receipt of the plans reasonably request.

(2) Any such specified work must not be constructed except in accordance with such plans as may be approved in writing by the Agency, or determined under paragraph 30.

- (3) Any approval of the Agency required under this paragraph—
- (a) must not be unreasonably withheld or delayed;
 - (b) is deemed to have been given if it is neither given nor refused within 2 months of the submission of the plans or receipt of further particulars if such particulars have been requested by the Agency for approval and, in the case of a refusal, accompanied by a statement of the grounds of refusal; and
 - (c) may be given subject to such reasonable requirements as the Agency may make for the protection of any drainage work, fishery or water resources or for the prevention of flooding or pollution or in the discharge of its environmental duties.
- (4) Any requirement made by the Agency under sub-paragraph (3)(c) may include—
- (a) a requirement for the undertaker to carry out monitoring during the implementation of any de-watering scheme approved by the Agency under this paragraph and to supply data arising from that monitoring to the Agency; and
 - (b) a requirement for the undertaker not to prevent or materially restrict the Agency's use of any access route during construction of the specified work or, where that is not possible owing to the nature of the work, a requirement for the undertaker to provide for use by the Agency during construction of the specified work a reasonably suitable alternative to the access route.
- (5) The Agency must use its reasonable endeavours to respond to the submission of any plans before the expiration of the period mentioned in sub-paragraph (3)(b).

23. Without limitation on the scope of paragraph 22, but subject always to the provisions of that paragraph as to reasonableness, the requirements which the Agency may make under that paragraph include conditions requiring the undertaker at its own expense to construct such protective works, whether temporary or permanent, before or during the construction of the specified works (including the provision of flood banks, walls or embankments or other new works and the strengthening, repair or renewal of existing banks, walls or embankments) as are reasonably necessary—

- (a) to safeguard any drainage work against damage; or
- (b) to secure that its efficiency for flood defence purposes is not impaired and that the risk of flooding is not otherwise increased,

by reason of any specified work.

24.—(1) Subject to sub-paragraph (2), any specified work, and all protective works required by the Agency under paragraph 23, must be constructed—

- (a) without unreasonable delay in accordance with the plans approved or deemed to have been approved or settled under this Schedule; and
- (b) to the reasonable satisfaction of the Agency,

and the Agency is entitled by its officer to watch and inspect the construction of such works.

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

(3) If the Agency reasonably requires, the undertaker must construct all or part of the protective works so that they are in place prior to the construction of any specified work.

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

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

(6) In the event of any dispute as to whether sub-paragraph (4) is properly applicable to any work in respect of which notice has been served under that sub-paragraph, or as to the reasonableness of any requirement of such a notice, the Agency must not except in the case of an emergency exercise the powers conferred by sub-paragraph (5) until the dispute has been finally determined in accordance with paragraph 30.

25.—(1) Subject to sub-paragraph (6), the undertaker must from the commencement of the construction of a specified work until the date falling 12 months from the date of completion of such specified work (“the maintenance period”), maintain in good repair and condition and free from obstruction any drainage work which is situated within the limits of deviation and on land held by the undertaker for the purposes of or in connection with the specified work, whether or not the drainage work is constructed under the powers conferred by this Order or is already in existence. Upon the expiry of the maintenance period, the drainage work must be maintained by the highway authority of the highway to which the specified work relates.

(2) If any such drainage work is not maintained to the reasonable satisfaction of the Agency, the Agency may by notice in writing require the person liable for maintenance to repair and restore the work, or any part of such work, or (if the person liable for maintenance so elects and the Agency in writing consents, such consent not to be unreasonably withheld or delayed), to remove the work and restore the site to its former condition, to such extent and within such limits as the Agency reasonably requires.

(3) Subject to sub-paragraph (5), if, within a reasonable period being not less than 28 days beginning with the date on which a notice in respect of any drainage work is served under sub-paragraph (2) on the person liable for maintenance, that person has failed to begin taking steps to comply with the reasonable requirements of the notice and has not subsequently made reasonably expeditious progress towards their implementation, the Agency may do what is necessary for such compliance and any expenditure reasonably incurred by the Agency in so doing shall be recoverable from that person.

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

(5) In the event of any dispute as to the reasonableness of any requirement of a notice served under sub-paragraph (2), the Agency must not except in the case of an emergency exercise the powers conferred by sub-paragraph (3) until the dispute has been finally determined in accordance with paragraph 30.

(6) This paragraph does not apply to—

- (a) drainage works which are vested in the Agency, or which the Agency or another person is liable to maintain and is not proscribed by the powers of this Order from doing so; and
- (b) any obstruction of a drainage work for the purpose of a work or operation authorised by this Order and carried out in accordance with the provisions of this Part of this Schedule.

26. If by reason of the construction of any specified work or of the failure of any such work the efficiency of any drainage work for flood defence purposes is impaired, or that drainage work is otherwise damaged, such impairment or damage must be made good by the undertaker to the reasonable satisfaction of the Agency and if the undertaker fails to do so, the Agency may make good the impairment or damage and recover any expenditure reasonably incurred by the Agency in doing so from the undertaker.

27. If by reason of construction of a specified work the Agency's access to flood defences or equipment maintained for flood defence purposes is materially obstructed, the undertaker must provide such alternative means of access that will allow the Agency to access the flood defence or equipment no less effectively than was possible before the obstruction within 24 hours of the undertaker becoming aware of such obstruction.

28.—(1) The undertaker must take all such measures as may be reasonably practicable to prevent any interruption of the free passage of fish in a fishery during the construction of any specified work.

(2) If by reason of—

- (a) the construction of any specified work; or
- (b) the failure of any such work,

damage to a fishery is caused, or the Agency has reason to expect that such damage may be caused, the Agency may serve notice on the undertaker requiring it to take such steps as may be reasonably practicable to make good the damage or, as the case may be, to protect the fishery against such damage.

(3) If within such time as may be reasonably practicable for that purpose after the receipt of written notice from the Agency of any damage or expected damage to a fishery, the undertaker fails to take such steps as are required under sub-paragraph (2), the Agency may take those steps and any expenditure reasonably incurred by the Agency in so doing shall be recoverable from the undertaker.

29.—(1) The undertaker must repay to the Agency all costs, charges, expenses, damages and losses not otherwise provided for in this Part of this Schedule which may be reasonably incurred or suffered by the Agency by reason of—

- (a) the examination or approval of plans under this Part of this Schedule;
- (b) the inspection of the construction of the specified works or any protective works required by the Agency under this Part of this Schedule;
- (c) the carrying out of any surveys or tests by the Agency which are reasonably required in connection with the construction of the specified works; or
- (d) any act or omission of the undertaker, its employees, contractors or agents or others whilst engaged upon the construction, operation or maintenance of the authorised development or dealing with any failure of the authorised development.

(2) The fact that any act or thing may have been done—

- (a) by the Agency on behalf of the undertaker; or
- (b) by the undertaker, its employees, contractors or agents in accordance with plans or particulars submitted to or modifications or conditions specified by the Agency, or in a manner approved by the Agency, or under its supervision or the supervision of its duly authorised representative,

does not excuse the undertaker from liability under the provisions of this paragraph.

(3) Nothing in sub-paragraph (2) imposes any liability on the undertaker with respect to any costs, charges, expenses, damages or losses to the extent that they are attributable to the act, neglect or default of the Agency, its officers, servants, contractors or agents.

(4) The Agency must give the undertaker written notice of any such claim or demand as is referred to in sub-paragraph (1) as soon as it becomes aware of such claim or demand, and no settlement or compromise of any such claim or demand is to be made without the prior consent of the undertaker, such consent not to be unreasonably conditioned, withheld or delayed.

30. Any dispute arising between the undertaker and the Agency under this Part of this Schedule is to be determined by arbitration under article 47 (arbitration).

SCHEDULE 10

Article 45

DOCUMENTS TO BE CERTIFIED

<i>(1)</i> <i>Document</i>	<i>(2)</i> <i>Document Reference</i>	<i>(3)</i> <i>Revision</i>
Book of Reference	4.3	A
Works Plans	2.4	A
Land Plans	2.2	A
Rights of Way and Access Plans	2.5	A
Classification of Roads Plans	2.7d	A
Special Category Land Plan	2.3	A
Prohibitions Plans	2.7c	A
Clearways Plans	2.7b	A
De-trunking Plans	2.8	A
Speed Limits Plans	2.7a	A
Environmental Masterplan	6.3, Figure 7.6	A
General Arrangement and Section Plans	2.6	A
Environmental Statement	6.2	A
Outline Construction Environmental Management Plan	6.4, Appendix 16.1	A

EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises Highways England to construct a new dual carriageway between Carland Cross and Chiverton in Cornwall and carry out all associated works.

The Order permits Highways England 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 authorised development.

A copy of the plans, book of reference and environmental statement mentioned in this Order and certified in accordance with article 45 (certification of plans etc.) may be inspected free of charge during working hours at Highways England, Bridge House, 1 Walnut Tree Close, Guildford, Surrey GU1 4LZ.

If you need help accessing this or any other Highways England information, please call **0300 123 5000** and we will help you.