

202X No. [XX]

INFRASTRUCTURE PLANNING

**The A47 Blofield to North Burlingham Development Consent
Order 202[X]**

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

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An application has been made to the Secretary of State under section 37 of the Planning Act 2008^(a) (“the 2008 Act”) 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The single appointed person, having considered the representations made and not withdrawn and the application together with the accompanying documents, in accordance with section 83 of the 2008 Act has submitted a report and recommendation to the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The Secretary of State, having considered the representations made and not withdrawn, and the report and recommendation of the single appointed person, has decided to make an Order granting development consent for the development described in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, in exercise of the powers conferred by sections 114, 115, 117, 120, 122 and 123 of, and paragraphs 1 to 3, 10 to 15, 17, 19 to 23, 26, 33, 36 and 37 of Part 1 Schedule 5 to, the 2008 Act, makes the following Order—

PART 1

PRELIMINARY

Citation and commencement

1. This Order may be cited as the A47 Blofield to North Burlingham Development Consent Order 202[X] and comes into force on [XX].

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);

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

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- (a) 2008 c. 29. Parts 1 to 7 were amended by Chapter 6 of Part 6 and Schedule 13, Para 5 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. 2012/2732, S.I. 2013/522, S.I. 2013/755, S.I. 2014/2381, S.I. 2017/572 and S.I. 2020/764; there are other amending instruments but none is relevant.
(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.
(h) 1984 c. 27.

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

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

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

“the 2017 Regulations” means the Compulsory Purchase of Land (Vesting Declarations) (England) Regulations 2017(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) and any other development authorised by this Order,

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

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

“the classification of roads plans” means the plans of that description certified by the Secretary of State as the classification of roads 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 and mitigation works, ecological surveys and pre-construction ecological mitigation, investigations for the purpose of assessing and monitoring ground conditions and levels, remedial work in respect of any contamination or other adverse ground conditions, erection of any temporary means of enclosure, receipt and erection of construction plant, equipment, welfare facilities and temporary buildings, and site clearance, 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 provisions as to interpretation) of the 1980 Act(e) and for the purposes of this Order includes a right of way on foot;

“detrunking plans” mean the plans certified by the Secretary of State as the detrunking 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 engineering drawings and sections” means the documents certified as the engineering drawings and sections by the Secretary of State for the purposes of this Order;

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

“the flood risk assessment” means the document of that description certified by the Secretary of State as the flood risk assessment for the purposes of this Order;

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

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

(a) 1990 c. 8.

(b) 1991 c. 22.

(c) 2008 c. 29.

(d) S.I. 2017/3.

(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 of the Road Traffic (Consequential Provisions) Act 1988 (c. 54).

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

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

“the highway authority” means the undertaker;

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

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

“the local highway authority” means Norfolk County Council;

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

“Order land” means the land shown coloured pink, the land shown coloured blue and the land shown coloured green on the land plans, and which is described in the book of reference;

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

“relevant highway authority” means the local highway authority for the land in question;

“relevant planning authority” means Broadland District Council;

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

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

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

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

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

“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; or
- (c) an order granting development consent; or
- (d) any other enactment;

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

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- (a) 1981 c. 67. The definition of “owner” was amended by paragraph 9 of Schedule 15 to the Planning and Compensation Act 1991 (c. 34). There are other amendments to section 7 which are not relevant to this Order.
 - (b) 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 works plans” means the plans certified as the works plans by the Secretary of State for the purposes of this Order.

(2) References in this Order to rights over land include references to rights to do or to place and maintain, anything in, on or under land or in the 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 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).

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

Disapplication of legislative provisions

3.—(1) The provisions of the Neighbourhood Planning Act 2017^(a) insofar as they relate to temporary possession of land under articles 33 (temporary use of land for carrying out the authorised development) and 34 (temporary use of land for maintaining the authorised development) of this Order do not apply in relation to the construction of works carried out for the purpose of, or in connection with, the construction or maintenance of the authorised project.

(2) Schedule 1 to the 2017 Regulations is modified as follows—

(a) In paragraph (3) of form 1, after “from the date on which the service of notices required by section 6 of the Act is completed”, insert—

“**1.**—(1) The [insert land or rights or both] described in Part [] of the Schedule hereto as being for the benefit of third parties and more particularly delineated on the plan annexed hereto is to vest in the third parties in question as from the end of the period of [insert period of 3 months or longer] from the date on which the service of notices required by section 6 of the Act is completed.”

(b) In paragraph (b) of the notes on use of form 2—

(i) after “Insert the name of the authority” insert “and, where the context so requires, a reference to third parties”; and

(ii) omit “Thereafter rely on that definition wherever “(b)” appears in the text”.

Maintenance of drainage works

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

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

^(a) 2017 c. 20.

^(b) 1991 c. 59, as amended by paragraph 323, Part 1 of Schedule 2 of S.I. 2013/755 (W.55), section 100 of the Environment Act 1995 (c. 25) and paragraph 39, Schedule 2 of the Flood Water Management Act 2010 (c. 29).

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.

Construction and maintenance of authorised development

6. The undertaker may at any time construct and 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 not—

- (a) 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.—(1) In constructing Work Numbers, 1, 4, 7, 9, 10, 11, 14, 15, 17, 28, 29, 32, 34, 35 36 and 40 the undertaker may—

- (a) in deviating laterally from the centrelines shown on the works plans, vary the situation of the centreline by up to a maximum of 3 metres either side of the centreline of that work as shown on the works plans;
- (b) deviate by up to 3 metres from the points of commencement and termination; and
- (c) deviate vertically from the levels of the authorised development shown on the engineering drawings and sections, to a maximum of 1 metre upwards or 1 metre downwards,

except that the maximum limits of vertical 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 from those reported in the environmental statement.

(2) In constructing or maintaining any other work comprised in the authorised development the undertaker must construct any such work within the limits of deviation or extents of work shown on the works plans for the relevant work.

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 the 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 with the written consent of the Secretary of State—

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

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

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

(4) The consent of the Secretary of State is not required under this article, where the transfer or grant is made to—

- (a) Cadent Gas Limited (company number 10080864), whose registered office is at Pilot Way, Ansty Park, Coventry, CV7 9JU (or a related subsidiary company) for the purposes of undertaking Work No. 5;
- (b) Anglian Water Services Limited (company number 2366656), whose registered office is at Lancaster House Lancaster Way, Ermine Business Park, Huntingdon, Cambridgeshire, United Kingdom, PE29 6XU (or a related subsidiary company) for the purposes of undertaking Work No. 8 and 44; and
- (c) Eastern Power Networks Plc (company number 2366906), whose registered office is at Newington House, 237 Southwark Bridge Road, London, SE1 6NP (or a related subsidiary company) for the purposes of undertaking Work Nos. 3, 19, 20, 24 and 42.

PART 3

STREETS

Application of the 1991 Act

11.—(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) (which defines what highway authority works are major highway works) of that Act^(a) 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(a) (dual carriageways

(a) 1991 c. 22, to which are amendments not relevant to section 86 in the act.

and roundabouts) of the 1980 Act or section 184(b)(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(c) (directions as to timing);
- (b) section 56A(d) (power to give directions as to placing of apparatus);
- (c) section 58(e) (restrictions following substantial road works);
- (d) section 58A(f) (restriction on works following substantial street works); and
- (e) Schedule 3A(g) (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 16 (temporary alteration, diversion 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(h) referred to in paragraph (4) are—

- (a) section 54(i) (advance notice of certain works), subject to paragraph (6);
- (b) section 55(j) (notice of starting date of works), subject to paragraph (6);
- (c) section 57(k) (notice of emergency works);
- (d) section 59(l) (general duty of street authority to co-ordinate works);
- (e) section 60(m) (general duty of undertakers to co-operate);
- (f) section 68(n) (facilities to be afforded to street authority);
- (g) section 69(o) (works likely to affect other apparatus in the street);
- (h) section 75(p) (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.

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- (a) As amended by relevant instruments which are 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).
 - (b) 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).
 - (c) As amended by sections 40 and 43 of the Traffic Management Act 2004 (c. 18).
 - (d) Inserted by section 44 of the Traffic Management Act 2004 (c. 18).
 - (e) As amended by section 51 of the Traffic Management Act 2004 (c. 18).
 - (f) Inserted by section 52 of the Traffic Management Act 2004 (c. 18).
 - (g) Inserted by section 52 of, and Schedule 4 to, the Traffic Management Act 2004 (c. 18).
 - (h) Sections 54, 55, 57, 60, 68 and 69 were amended by section 40(1) and (2) of, and Schedule 1 to, the Traffic Management Act 2004 (c. 18).
 - (i) As also amended by section 49(1) of the Traffic Management Act 2004 (c. 18).
 - (j) As also amended by section 49(2) and 51(9) of the Traffic Management Act 2004 (c. 18).
 - (k) As also amended by section 52(3) of the traffic Management Act 2004 (c. 18).
 - (l) As amended by section 41 of the Traffic Management Act 2004 (c. 18).
 - (m) As amended by section 40 of, and Schedule 1 to, the Traffic Management Act 2004 (c.18).
 - (n) As amended by section 40 of, and Schedule 1 to, the Traffic Management Act 2004 (c.18).
 - (o) As amended by section 40 of, and Schedule 1 to, the Traffic Management Act 2004 (c. 18).
 - (p) As amended by section 58 of the Traffic Management Act 2004 (c. 18).

(7) Nothing in article 12 (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, and the undertaker is not 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
- (b) has effect in relation to street works as respects which the provisions of Part 3 of the 1991 Act apply.

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

12.—(1) Any highway (other than a trunk road) to be constructed under this Order must be completed to the reasonable satisfaction of the local highway authority in whose area the highway lies and, unless otherwise agreed in writing with the local highway authority, the highway must be maintained by and at the expense of the local highway authority from its completion.

(2) Where a highway (other than 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 authority, that part of the highway must be maintained by and at the expense of the local highway authority from its completion.

(3) Where a footpath, cycle track or bridleway 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 authority, that part of the highway must be maintained by and at the expense of the local highway authority from its completion.

(4) 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, unless otherwise agreed in writing, 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.

(5) Where a highway is detrunked under this Order—

- (a) section 265(a) (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 detrunking 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 detrunking.

(6) In the case of a bridge constructed under this Order to carry a highway (other than a trunk road) over a trunk road, the highway surface (being those elements over the waterproofing membrane and) must be maintained by and at the expense of the local highway authority unless otherwise agreed in writing between the undertaker and the local highway authority, and the remainder of the bridge, including the waterproofing membrane, and structure below, parapets and any system of lighting must be maintained by and at the expense of the undertaker.

(7) 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.

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

(a) The following provisions have been inserted into the section by paragraph 52, Schedule 1 of the Infrastructure Act 2015 (c. 7).

- (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 the competent person had carried out those instructions.

Classification of roads, etc.

13.—(1) From the date on which the roads described in Part 1 (trunk roads) of Schedule 3 and identified on the classification of roads plans 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.

(2) From the date on which the roads described in Part 2 (classified B roads) and Part 2A (classified C roads) of Schedule 3 and identified on the classification of roads plans 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.

(3) From the date on which the roads described in Part 3 (unclassified roads) of Schedule 3 and identified on the classification of roads plans 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.

(4) From the date on which the roads specified in Part 4 (speed limits) of Schedule 3 and identified on the traffic regulation plans 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.

(5) On such day as the undertaker may determine, the order specified in column (3) of Part 5 (revocations and variations of existing traffic regulation orders) of Schedule 3 is 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.

(6) Unless otherwise agreed in writing with the relevant planning authority, the footpaths, cycle tracks, footways and bridleways set out in column (2) of Part 6 (footpaths, cycle tracks, footways and bridleways) 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.

(7) On such day as the undertaker may determine, the roads described in Part 7 (roads to be detrunked) of Schedule 3 and identified on the detrunking plans are to cease to be trunk roads as if

(a) 1980 c. 66. As amended by section 22 of the 1991 Act, and by section 1 of, and Schedule 1 to, the Infrastructure Act 2015 (c. 7).

they had ceased to be trunk roads by virtue of an order made under section 5(2)(a) of the 1980 Act specifying that date as the date on which they were to cease to be trunk roads.

(8) 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.

Power to alter layout etc. of streets

14.—(1) Subject to paragraph (3), the undertaker may, for the purposes of constructing and maintaining the authorised development, alter the layout of any street within the Order limits and the layout of any street having a junction with such a street; and, without limitation on the scope of this paragraph, the undertaker may—

- (a) increase the width of the carriageway of the street by reducing the width of any kerb, footpath, footway, cycle track or verge within the street;
- (b) alter the level or increase the width of any such kerb, footway, cycle track or verge;
- (c) reduce the width of the carriageway of the street; and
- (d) make and maintain passing places.

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

(3) The powers conferred by paragraph (1)—

- (a) are exercisable on the giving of not less than 42 days' notice to the street authority; and
- (b) are not to be exercised without the consent of the street authority where that authority is a public authority.

(4) If a street authority which receives an application for consent under paragraph (3) fails to notify the undertaker of its decision before the end of the period of 6 weeks beginning with the date on which the application was made, it is deemed to have granted consent.

(5) Paragraphs (2), (3) and (4) do not apply where the undertaker is the street authority for a street in which the works are being carried out.

Street Works

15.—(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) remove or use all earth and materials in or under the street;
- (d) place and keep apparatus in or under the street;
- (e) maintain apparatus in the street or change its position; and
- (f) execute any works required for, or incidental to, any works referred to in subparagraphs (a), (b), (c), (d) and (e).

(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)(b) (prohibition of unauthorised street works) of the 1991 Act.

(a) 1980 c. 66. As amended by section 22 of the 1991 Act, and by section 1 of, and Schedule 1 to, the Infrastructure Act 2015 (c. 7).

(b) 1991 c. 21. There are amendments to section 48(3) and 51(1) but none is relevant to this Order.

Temporary alteration, diversion, prohibition and restriction of use of streets

16.—(1) The undertaker, during and for the purposes of carrying out the authorised development, may temporarily alter, divert, prohibit the use of or restrict the use of any street 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 prohibited 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 alter, divert, prohibit the use of 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^(a).

(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

17.—(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 Part 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) and identified on the rights of way and access plans to the extent specified and described in column (3) of that Schedule.

(2) No street or private means of access specified in columns (1) and (2) of Part 2 or Part 3 of Schedule 4 (being a highway 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 highway 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 highway or private means of access until the completion and opening of the new highway or private means of access in accordance with sub-paragraph (a).

(3) No private means of access specified in columns (1) and (2) of Part 4 of Schedule 4 (being a 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; or

^(a) 1961 c. 33, Part 1 as amended by S.I. 1994/2716, 1998 (c. 38), S.I. 1999/481, S.I. 2009/1307, S.I. 2010/490, S.I. 2017/1012 and 2016 (c. 9).

- (b) there is no right of access to the land from the street or private means of access concerned; or
- (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) The undertaker may, in connection with the carrying out of the authorised development, alter the private means of access specified in column (1) of Part 5 of Schedule 4 as specified in column (2) of that Part.

(6) 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.

(7) 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^(a).

(8) This article is subject to article 36 (apparatus and rights of statutory undertakers in stopped up streets).

Access to works

18. 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, prohibitions and restrictions

19.—(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 8 (traffic regulation measures (clearways and prohibitions)) of Schedule 3 (classification of roads, etc.) and identified on the traffic regulation plans 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 1 (the Electronic Communications Code) to the Digital Economy Act 2017^(b); or
 - (iv) any building operation or demolition;
- (b) in relation to a vehicle being used—

(a) 1961 c. 33, Part 1 as amended by S.I. 1994/2716, 1998 (c. 38), S.I. 1999/481, S.I. 2009/1307, S.I. 2010/490, S.I. 2017/1012 and 2016 (c. 9).

(b) 2017 c. 30, as brought into force by Regulation 2 of S.I. 2017/765, Regulation 2 of S.I. 2017/1136 and Regulation 2 of S.I. 2017/1286.

- (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^(a) or
- (iv) by a universal service provider for the purposes of providing a universal postal service as defined by the Postal Service Act 2011^(b) 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 proceedings 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^(c).

PART 4

SUPPLEMENTAL POWERS

Discharge of water

20.—(1) Subject to paragraphs (3) and (4), the undertaker may use any 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 drain.

(2) Any dispute arising from the making of connections to or use of a 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^(d).

(3) The undertaker must not discharge any water into any 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 drain except—

- (a) in accordance with plans approved by the person to whom the 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 drain under this article is as free as may be practicable from gravel, soil or other solid substance, oil or matter in suspension.

^(a) 1991 c. 56.

^(b) 2011 c. 5.

^(c) 2004 c. 18, as brought into force by Article 2 of S.I. 2004/2380 and Article 2 of S.I. 2009/1095 (W.55).

^(d) 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).

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

(7) In this article—

- (a) “drain” means a drain which belongs to Homes England, the Environment Agency, an internal drainage board, a joint planning board, a local authority or a sewerage undertaker; and
- (b) Other expressions, used both in this article and in the Water Resources Act 1991^(b) have the same meaning as in that Act.

(8) If a person who receives an application for consent under paragraph (3) or approval under paragraph (4) 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.

Protective work 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;
- (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 under this article to a building the undertaker may (subject to paragraphs (5) and (6))—

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

(5) Before exercising—

- (a) a right under paragraph (1) to carry out protective works to a building;
- (b) a right under paragraph (3) to enter a building and land within its curtilage;
- (c) a right under 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 49 (arbitration).

(a) S.I.2016/1154, amended by S.I. 2018/110

(b) 1991 c. 57.

(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 (8) or (9) is to be determined, in case of dispute, under Part 1 (determination of questions of disputed compensation) of the 1961 Act.

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

(2) No land may be entered or equipment placed or left on or removed from the land under paragraph (1) unless at least 14 days’ notice has been served on every owner and occupier of the land indicating the nature of the survey or investigation that the undertaker intends to carry out.

(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 into the land such vehicles and equipment as are necessary to carry out the survey or investigation or to make the trial holes.

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

- (a) in land located within the highway boundary without the consent of the highway authority or the local highway authority as the case may be; or
- (b) in a private street without the consent of the street authority.

but such consent must not be unreasonably withheld.

(a) 2008 c. 29, section 152 as implemented by Article 3 of S.I. 2010/101 and amended by S.I. 2009/1307.

(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 highway authority, 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 highway authority or 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 for the authorised development, or to facilitate it, or is incidental to it.

(2) This article is subject to paragraph (2) of article 26 (compulsory acquisition of rights and imposition of restrictive covenants) 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 and imposition of restrictive covenants

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.

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

(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 purposes 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) Subject to Schedule 2A (counter-notice requiring purchase of land not in notice to treat) to the 1965 Act (as substituted by paragraph 10 of Schedule 6 (modification of compensation and compulsory purchase enactments for creation of new rights)), 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.

(4) 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) Subject to paragraph (2), 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 identified 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—

- (a) 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; and
- (b) (where the public right of way is identified in Part 2 of that Schedule) have provided a new highway or a temporary alternative route in accordance with article 17(2).

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)(a) (power 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)(a) (power of entry) of the 1965 Act,

(a) 1965 c. 56. Section 11 was amended by section 34(1) of, and Schedule 4 to, the Acquisition of Land Act 1981 (c. 67), section 3 of, and part 1 of Schedule 1 to, the Housing (Consequential Provisions) Act 1985 (c. 71), section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), Section 103 of the Planning and Compulsory Purchase Act 2004 c. 5 and S.I. 2009/1307.

whichever is the earlier.

(3) Subject to the provisions of this article, all private rights over land owned by the undertaker which, being within the limits of land which may be acquired or used shown on the land plans, are required 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 (b)(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(c).

(6) This article does not apply in relation to any right to which section 138(d) (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 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.

(10) From such date as the undertaker may determine, which may not be later than the date on which the private means of access listed in column 2 of Part 3 of Schedule 4 is stopped up, the owners and occupiers, their agents, contractors and any person with the permission of the owner or occupier of the land to be accessed by the private means of access to be created on the Order land and listed in column 4 of Part 3 of Schedule 4, will be entitled to take access to their land at all times with or without vehicles across or along the access tracks to be created on the Order land listed in column 4 of Part 3 of Schedule 4.

(a) 1965 c. 56. Section 11 was amended by section 34(1) of, and Schedule 4 to, the Acquisition of Land Act 1981 (c. 67), section 3 of, and part 1 of Schedule 1 to, the Housing (Consequential Provisions) Act 1985 (c. 71), section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), Section 103 of the Planning and Compulsory Purchase Act 2004 c. 5 and S.I. 2009/1307.

(b) 2008 c. 29, section 152 as implemented by Article 3 of S.I. 2010/101 and amended by S.I. 2009/1307.

(c) 1961 c. 33, Part 1 as amended by S.I. 1994/2716, 1998 (c. 38), S.I. 1999/481, S.I. 2009/1307, S.I. 2010/490, S.I. 2017/1012 and 2016 (c. 9).

(d) 2008 c. 29. Section 138 as amended by section 23 of the Growth and Infrastructure Act 2013 (c. 27) and paragraph 12, Schedule 1 of S.I. 2017/1285.

Modification of Part 1 of the 1965 Act

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

“(2) In section 4A(1) (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 compulsory) of the A47 Blofield to North Burlingham Development Consent Order 202[X]”

(2) 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”.

(3) In section 22(2) (expiry of time limit for exercise of compulsory purchase power not to affect acquisition of interests omitted from purchase), for “section 4 of this Act” substitute “article 25 of the A47 Blofield to North Burlingham Development Consent Order 202[X]”.

(4) 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 (acquisition of subsoil or airspace only) on the A47 Blofield to North Burlingham Development Consent Order 202[X], which excludes the acquisition of subsoil or airspace only from this schedule” and

(b) after paragraph 29 insert—

“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 A47 Blofield to North Burlingham Development Consent Order 202[X].”

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) Omit section 5(c) (earliest date for execution of declaration).

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

(6) In section 5B(e) (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

(a) 2008 c. 29, section 125 as amended by paragraph 17, Schedule 16 of the Housing and Planning Act 2016 (c. 22).

(b) 1965 c.56, section 11A as inserted by section 202(1) Housing and Planning Act 2016 (c. 22).

(c) 1981 c.67, section 5 was amended by Schedule 15 to the Housing and Planning Act 2016 (c. 22).

(d) 1981 c. 67, section 5A was inserted by section 186(3) of the Housing and Planning Act 2016 (c. 22).

(e) 1981 c. 67, section 5B was inserted by section 182(2) of the Housing and Planning Act 2016 (c. 22).

year period mentioned in section 5A” substitute “section 118(a) (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 A47 Blofield to North Burlingham Development Consent Order 202[X]”.

(7) In section (6)(b) (notices after execution of declaration), in subsection (1)(b), for “section 15 of, or paragraph 6 of Schedule 2 to, the Acquisition of Land Act 1981” substitute “section 134(c)(notice of authorisation of compulsory acquisition) of the Planning Act 2008”.

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

(9) In Schedule A1(d) (counter-notice requiring purchase of and not in general vesting declaration) for paragraph 1(2) substitute—

“(2) But see article 31 (acquisition of subsoil or airspace only) of the A47 Blofield to North Burlingham Development Consent Order 202[X], which excludes the acquisition of subsoil or airspace only from this Schedule”

(10) References to the 1965 Act in the 1981 Act are to be construed as references to the 1965 Act as applied by section 125(e) (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.

(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 Compulsory Purchase (Vesting Declarations) Act 1981; and
- (c) section 153 (4A) (blighted land: proposed acquisition of part interest; material detriment test) of the Town and Country Planning Act 1990.

(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.

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- (a) As inserted by section 202(2) of Schedule 3 to the Housing and Planning Act 2016 (c. 22).
 - (b) 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).
 - (c) 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).
 - (d) As amended by section 142 of, and Part 21 of Schedule 25 to, the Localism Act 2011 (c. 20) and S.I. 2012/16.
 - (e) 2008 c. 29, section 125 as amended by paragraph 17, Schedule 16 of the Housing and Planning Act 2016 (c. 22).

(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^(a).

(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^(b) 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 (time limit for exercise of authority to acquire land compulsorily)—

(a) enter on and take 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(c)(powers of entry) of the 1965 Act (other than in connection with the acquisition of rights only) and no declaration has been made under section 4 (execution of declaration) of the 1981 Act^(d);

(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

(a) 1961 c. 33, Part 1 as amended by S.I. 1994/2716, 1998 (c. 38), S.I. 1999/481, S.I. 2009/1307, S.I. 2010/490, S.I. 2017/1012 and 2016 (c. 9).

(b) 1991 c. 22, to which there are no amendments relevant to section 85 of the act.

(c) 1965 c. 56. Section 11 was amended by section 34(1) of, and Schedule 4 to, the Acquisition of Land Act 1981 (c. 67), section 3 of, and part 1 of Schedule 1 to, the Housing (Consequential Provisions) Act 1985 (c. 71), section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), Section 103 of the Planning and Compulsory Purchase Act 2004 c. 5 and S.I. 2009/1307.

(d) 1981 c. 66. Section 4 as amended by section 184 and 185 of, and paragraph 2 of Schedule 18 to, the Housing and Planning Act 2016 (c. 21),

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 (a) or made a declaration under section 4 of the 1981 Act(b) 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 have been constructed under paragraph (1)(d), (1)(e) or (1)(f);
- (c) remove any ground strengthening works which have been placed on the land to facilitate construction of the authorised development;
- (d) remove any measures installed over or around statutory undertakers' apparatus to protect that apparatus; or
- (e) remove or reposition any apparatus installed for or belonging to statutory undertakers; or
- (f) remove or reposition necessary mitigation works.

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

(7) Nothing in this article affects any liability to pay compensation under section 152(d) (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 acquiring any part of the subsoil of or airspace over (or rights in the subsoil 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(e) (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(f).

(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 and imposition of restrictive covenants).

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- (a) 1965 c. 56, section 11 was amended by section 34(1) of, and Schedule 4 to, the Acquisition of Land Act 1981 (c. 67), section 3 of, and part 1 of Schedule 1 to, the Housing (Consequential Provisions) Act 1985 (c. 71), section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), Section 103 of the Planning and Compulsory Purchase Act 2004 c. 5 and S.I. 2009/1307.
 - (b) 1981 c. 66. Section 4 as amended by section 184 and 185 of, and paragraph 2 of Schedule 18 to, the Housing and Planning Act 2016 (c. 21).
 - (c) 1961 c. 33, Part 1 as amended by S.I. 1994/2716, 1998 (c. 38), S.I. 1999/481, S.I. 2009/1307, S.I. 2010/490, S.I. 2017/1012 and 2016 (c. 9).
 - (d) 2008 c. 29, section 152 as implemented by Article 3 of S.I. 2010/101 and amended by S.I. 2009/1307.
 - (e) 1965 c. 56, section 13 was amended by sections 62(3) and 139 of, and paragraphs 27 and 28 of Schedule 13, and part of Schedule 23, to, the Tribunals, Courts and Enforcement Act 2007 (c. 15).
 - (f) 2008 c. 29, section 125 as amended by paragraph 17, Schedule 16 of the Housing and Planning Act 2016 (c. 22).

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.

(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 (a).

(8) Nothing in this article affects any liability to pay compensation under section 152(b) (compensation in case where no right 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(c) (refusal to give possession to acquiring authority) of the 1965 Act applies to the temporary use of land under to 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(d).

(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.

(a) 1961 c. 33, Part 1 as amended by S.I. 1994/2716, 1998 (c. 38), S.I. 1999/481, S.I. 2009/1307, S.I. 2010/490, S.I. 2017/1012 and 2016 (c. 9).

(b) 2008 c. 29, Section 152 as implemented by Article 3 of S.I. 2010/101 and amended by S.I. 2009/1307.

(c) 1965 c. 56, section 13 was amended by sections 62(3) and 139 of, and paragraphs 27 and 28 of Schedule 13, and part of Schedule 23, to, the Tribunals, Courts and Enforcement Act 2007 (c. 15).

(d) 2008 c. 29, section 125 as amended by paragraph 17, Schedule 16 of the Housing and Planning Act 2016 (c. 22).

Statutory undertakers

35.—(1) Subject to the provisions of article 26 (compulsory acquisition of rights and imposition of restrictive covenants), 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^(a); 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 17 (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 (temporary alteration, diversion and restriction of use of streets) any statutory utility whose apparatus is under, in, on, over, along or across the street may, and if reasonably requested to do so by the undertaker must—

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

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

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

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

- (a) apparatus of a better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus; or
- (b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was,

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker, or, in default of agreement, is not determined by arbitration to be necessary, then, if it involves cost in the execution of the relocation works exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which, apart from this paragraph, would be payable to the statutory utility by virtue of paragraph (3) 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

(a) 1991 c.22, Part 3 as amended by 2004 (c. 18), S.I. 2007/1952, S.I. 2008/102 (w. 55) and 2003 (c. 21).

- (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—

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

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

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

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(b).

(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(c); and

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

(a) 2003 c. 21, as implemented by Article 1, Section 2 and Schedule 1 of S.I. 2003/1900, Article 3 of S.I. 2003/3142; as amended by Schedule 1 of S.I. 2011/1210

(b) 1991 c.22, Part 3 as amended by 2004 (c. 18), S.I. 2007/1952, S.I. 2008/102 (w. 55), 2003 (c. 21).

(c) 2003 c. 21, as implemented by Article 1, Section 2 and Schedule 1 of S.I. 2003/1900, Article 3 of S.I. 2003/3142; as amended by Schedule 1 of S.I. 2011/1210.

PART 6

OPERATIONS

Felling or lopping of trees and removal of hedgerows

38.—(1) The undertaker may fell or lop any tree or shrub, within or overhanging land within the Order limits, or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub—

- (a) from obstructing or interfering with the construction, maintenance or 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) or (4), the undertaker must do no unnecessary damage to any tree or shrub and must pay compensation to any person for any loss or damage arising from such activity;

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

(4) The undertaker may, for the purposes of carrying out the authorised development but subject to paragraph (2)—

- (a) remove any hedgerow described in Schedule 8 (removal of hedgerows); and
- (b) without limitation on the scope of sub-paragraph (1), and with the consent of the local authority in whose area the hedgerow is located, remove any hedgerow within the Order limits.

(5) An application for the consent of a local authority in terms of paragraph (4)(b) must not be unreasonably withheld.

(6) If a local authority fails to notify the undertaker of its decision within 28 days of receiving an application for consent under paragraph (4)(b) the local authority is deemed to have granted consent.

(7) In this article “hedgerow” has the same meaning as in the Hedgerow Regulations 1997^(b) and includes important hedgerows.

PART 7

MISCELLANEOUS AND GENERAL

Application of landlord and tenant law

39.—(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.

^(a) 1961 c. 33, Part 1 as amended by S.I. 1994/2716, 1998 (c. 38), S.I. 1999/481, S.I. 2009/1307, S.I. 2010/490, S.I. 2017/1012 and 2016 (c. 9).

^(b) S.I. 1997/1160, as amended by S.I. 2003/2155, S.I. 2015/1997, S.I. 2015/377, S.I. 2009/1307 and S.I. 2013/755.

(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

40. 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^(a).

Defence to proceedings in respect of statutory nuisance

41.—(1) Where proceedings are brought under section 82(1) (summary proceedings by person aggrieved by statutory nuisance) of the Environmental Protection Act 1990^(b) in relation to a nuisance falling within paragraph (g) of section 79(1) (noise emitted from premises so as to be prejudicial to health or a nuisance) of that Act no order is to be made, and no fine may be imposed, under section 82(2)^(c) 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^(d); or
 - (ii) is a consequence of the construction or maintenance of the authorised development and that it cannot reasonably be avoided; or
- (b) the defendant shows that the nuisance 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^(e) 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.

No double recovery

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

(a) 1990 c. 8, to which there are amendments to this sub-section not relevant to this Order.

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

(c) 1990 c. 43, section 83(2) was amended by section 5(1) and (2) of the Noise and Statutory Nuisance Act 1993 (c. 40) and paragraph 6, Schedule 17 of the Environment Act 1995 (c. 25).

(d) 1974 c. 40. Section 60 was amended by section 162 of, and paragraph 15(1) and (3) of Schedule 15 to, the Environmental Protection Act 1990 (c. 43), there are further amendments to section 61 but none is relevant to this Order.

(e) 1974 c. 40, section 61 to which there are amendments to section 61 but none is relevant to this Order.

Disregard of certain improvements etc.

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

- (a) any interest in land; or
- (b) any enhancement of the value of any interest in land by reason of any building erected, works carried out or improvement or alteration made on the relevant land, if the tribunal is satisfied that the creation of the interest, the erection of the building, the carrying out of the works or the making of the improvement or alteration as part of the authorised development was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

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

Set off for enhancement in value of retained land

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

(2) In assessing the compensation payable to any person in respect of the acquisition from that person of any new rights over land (including the subsoil) under article 26 (compulsory acquisition of rights and imposition of restrictive covenants), the tribunal must set off against the value of the rights so acquired—

- (a) any increase in the value of the land over which the new rights are required; and
- (b) any increase in value of any contiguous or adjacent land belonging to that person in the same capacity, which will accrue to that person by reason of the construction of the authorised development.

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

Traffic regulation

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

(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 vehicles, or vehicles of any class, or pedestrians 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 spaces) of the 1984 Act^(a), 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^(b).

(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.

(12) Any application to which this article applies must include a statement that the provisions of paragraph (11) apply to that application.

(a) 1984 c.27, section 32 was amended by sections 1, 2, 8(1) and paragraph 4 of Schedule 5 to the Local Government Act 1985 (c. 51) and by section 168(1) of, and paragraph 39 of Schedule 8 to, the New Roads and Street Works Act 1991 (c.22).

(b) 2004 c. 18, Schedule 7 as implemented by Article 2 of S.I. 2007/2053, Article 2 and Schedule of S.I. 2007/3174; as amended by Regulation 28 of S.I. 2013/362 and Regulation 2 and 3 of S.I. 2018/488.

Protection of interests

46. Schedule 9 (protective provisions) has effect.

Certification of documents, etc.

47.—(1) As soon as practicable after the making of this Order, the undertaker must submit copies of each of the plans and documents set out in Schedule 10 (documents, etc to be certified) to the Secretary of State for certification as true copies of those plans and documents.

(2) Where any plan or document set out in Schedule 10 requires to be amended to reflect the terms of the Secretary of State's decision to make the Order, that plan or document in the form amended to the Secretary of State's satisfaction is the version of the plan or document required to be certified under paragraph (1).

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

Service of notices

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

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

(a) 1978 c.30, as amended by section 17 of 1994 (c. 36), there are other amendments but none is relevant.

(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

49.—(1) 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.

(2) This article does not apply where any difference under any provision of this Order is between any person and the Secretary of State.

Crown Rights

50.—(1) Nothing in this Order affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and in particular, nothing in this Order authorises the undertaker to use, enter upon or in any manner interfere with any land or rights of any description—

(a) belonging to Her Majesty in right of the Crown and forming part of The Crown Estate without the consent in writing of the Crown Estate Commissioners;

(b) belonging to Her Majesty in right of the Crown and not forming part of The Crown Estate without the consent in writing of the government department having the management of that land; or

(c) belonging to a government department or held in trust for Her Majesty for the purposes of a government department without the consent in writing of that government department.

(2) Paragraph (1) does not apply to the exercise of any right under this Order for the compulsory purchase of any interest in any Crown land (as defined in the 2008 Act) for the time being held otherwise than by or on behalf of the Crown.

(3) A consent under paragraph (1) may be given unconditionally or subject to terms and conditions; and is deemed to have been given in writing where it is sent electronically.

Signed by authority of the Secretary of State for Transport

Address
Date

Name
Head of the Transport and Works Act Orders Unit
Department for Transport

SCHEDULES

SCHEDULE 1

Articles 2, 5 and 6

AUTHORISED DEVELOPMENT

In the administrative areas of Norfolk County Council and Broadland District 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 – Alteration of the A47 shown on sheet 1-8 of the works plans, of 4570 metres in length, from a point 361 metres west of the junction of the existing A47 with Yarmouth Road over the existing A47 to a point 203 metres east of the junction of existing A47 with the unclassified road known as the Windle and including a retaining wall west of Yarmouth Road, Blofield, a lay-by, bunds and noise barriers;

Work No. 2 - Installation of ducts, cables and apparatus for utilities and electronic communications code operators of 987 metres, from a point 302 metres west of the existing A47 and Yarmouth Road, to a point 413 metres east of High Noon Lane junction, shown on sheet numbers 1 and 2 of the works plans;

Work No. 3 – Diversion underground of 11kV overhead electricity distribution network cables, crossing Work No. 1, west of the junction of the existing A47 with Yarmouth Road and east of Blofield, shown on sheet number 1 of the works plans;

Work No. 4 – improvements to Yarmouth Road at its junction with the A47, south of Work No. 1, to the east of Blofield, shown on sheet number 1 of the works plans;

Work No. 5 – diversion of an intermediate pressure gas main of 3754 metres in length between a point 62 metres south of the junction of the existing A47 with Yarmouth Road, east of Blofield and a point 250 metres southwest of the junction of the existing A47 with B1140 White House Lane, west of Acle Hall, together with accesses to highways and associated infrastructure including marker posts and inspection chambers shown on sheets numbers 1 to 7 of the works plans;

Work No. 6 – new car park (of approximately 25 spaces) for Blofield Allotments including access to Work No. 7, together with a field access to Work No. 7, south of Work No. 7 and shown on sheet number 1 of the works plans;

Work No. 7 – new highway between the junction of the A47 with Yarmouth Road, Blofield, to a point 384 metres east of that junction, south of Work No. 1 and shown on sheet numbers 1 and 2 of the works plans;

Work No. 8 – Installation of potable water pipes of 446 metres in length, from a point east of Sparrow Hall, Blofield, south to a point to the east of the highway of Waterlow, shown on sheet number 2 of the works plans;

Work No. 9 – improvements to Yarmouth Road of 419 metres in length and creation of a junction between High Noon Lane and Yarmouth Road, east of Blofield and north of Work No. 1, shown on sheet number 2 of the works plans;

(a) 2008 c. 29, section 14 as implemented by S.I. 2010/101, S.I. 2017/1078, S.I. 2011/705, S.I. 2011/2054 and as amended by S.I. 2019/12, S.I. 2012/1645, there are other amendments but none is relevant. Section 22 as implemented by S.I. 2010/101 and amended by S.I. 2013/1883, 2015 (c.7).

Work No. 10 – improvements to Waterlow including new junction with Work No. 7, 307 metres east of Yarmouth Road, Blofield, and south of Work No. 7, shown on sheet number 2 of the works plans;

Work No. 11 — new highway, including bridge approaches to form the southern approach to the new Blofield Overbridge (Work No. 15), east of Blofield, and shown on sheet number 2 of the works plans;

Work No. 12 – Installation of ducts, cables, sewers and apparatus for utilities and electronic code communications operators of 570 metres in length, between Yarmouth Road and Waterlow, to the east of Blofield, shown on sheet numbers 1 and 2 of the works plans;

Work No. 13 – Infiltration basin, soakaways, pond and associated drainage, drivable swale and maintenance access track, south of Work No 11 and east of Waterlow, shown on sheet number 2 of the works plans;

Work No. 14 – new highway from a junction with Work No. 15, east for 197 metres to a point 943 metres west of Lingwood Road and shown on sheet number 2 of the works plans;

Work No. 14A – access track and cycle track commencing at the termination of Work No. 14. east for 1270 metres to a junction with Footpath FP3, at a point 327 metres east of Lingwood Road and shown on sheet numbers 2, 3 and 4 of the works plans;

Work No. 14B – access track and cycle track, from a junction with Work No. 14A east for 92 metres to a point 328 metres east of Lingwood Road and shown on sheet number 4 of the works plans;

Work No. 15 – bridge over Work No. 1 located 601 metres east of the existing junction of the A47 with Yarmouth Road, (Blofield Overbridge), together with approaches and shown on sheet no. 2 of the works plans;

Work No. 16 – construction compound east of Blofield Overbridge (Work No.15) and south of work Nos. 1,4 and 14A, shown on sheet numbers 2 and 3 of the works plans;

Work No. 17 – new highway and approach to form the northern approach to Blofield Overbridge (Work No. 15), north of Work No. 1 and shown on sheet number 2 of the works plans;

Work No. 17A – works to support the reclassification of the existing A47 and provision of cycle track, north of Work No. 1 and shown on sheet numbers 2, 3 and 4 of the works plans;

Work No. 18 – drainage and soakaway to the east of the Blofield Overbridge (Work No. 15) and north of Work No. 1 shown on sheet numbers 2 and 3 of the works plans;

Work No. 19 – diversion underground of electricity distribution network cables (33kV) of 397 metres, crossing Work No. 1, east of Blofield and shown on sheet no. 3 of the works plans;

Work No. 20 – diversion underground of electricity distribution network cables (11kV) of 126 metres, crossing Work No. 1, north of Poplar Farm, shown on sheet no. 3 of the works plans;

Work No. 21 – turning head on Lingwood Road south of Work No. 1, west of North Burlingham and shown on sheet no. 4 of the works plans;

Work No. 22 – installation of ducts, cables and apparatus for utilities and electronic communications code operators and potable water pipes of 103 metres in length, between the existing A47 and Lingwood Road, to the west of North Burlingham, shown on sheet number 4 of the works plans;

Work No. 23 – cycle track, access track, soakaway, drivable swale and diversion of existing permissive equestrian and walking route south of Work No. 1, west of North Burlingham, and shown on sheet numbers 4 and 5 of the works plans;

Work No. 24 – diversion underground of electricity distribution network cable of 292 metres (11kV) south of the existing A47, south of North Burlingham, shown on sheet numbers 4 and 5 of the works plans;

Work No. 25 – turning head on Lingwood Lane, south of Work No. 1, south of North Burlingham and shown on sheet number 5 of the works plans;

Work No. 26 – temporary compound west of Lingwood Lane and south of Work No. 1, south of North Burlingham and shown on sheet number 5 of the works plans;

Work No. 26A - temporary compound east of Lingwood Lane, south of Work No. 1, south of North Burlingham and shown on sheet numbers 5 and 6 of the works plans;

Work No. 26B – temporary diversion of permissive equestrian and walking route west of Lingwood Lane, south of Work No. 1, south of North Burlingham and shown on sheet numbers 4 and 5 of the works plans;

Work No. 26C – temporary haul road to connect Work No. 26A to White House Lane, east of North Burlingham, and shown on sheet numbers 5, 6 and 7 of the works plans;

Work No. 27 – cycle track between Lingwood Lane and Work No. 35, south of Work No. 1 and shown on sheet numbers 5, 6 and 7 of the works plans;

Work No. 28 – works to the existing A47 east of North Burlingham, to connect to the new proposed junction with the B1140 classified road to the north of Work No. 1 shown on sheet numbers 5, 6 and 7 of the works plans;

Work No. 28A – junction to connect the existing A47 to Main Road, North Burlingham and including installation of ducts, cables and apparatus for utilities and electronic communications code operators, to the north of Work No. 1 shown on sheet numbers 5, 6 and 7 of the works plans;

Work No. 29 – realignment of B1140 South Walsham Road, North Burlingham, north of Work No. 1 and shown on sheet numbers 6 and 7 of the works plans;

Work No. 30 – soakaway and access track south of Work No. 28, North Burlingham, shown on sheet numbers 5, 6 and 7 of the works plans;

Work No. 31 – Installation of ducts, potable water pipes, cables and apparatus for utilities and electronic communications code operators of 925 metres in length north of the existing A47 and east of North Burlingham, shown on sheet numbers 5, 6 and 7 of the works plans;

Work No. 32 – westbound compact connector road from Work No. 1 to a junction with Work No. 35, east of North Burlingham, shown on sheet numbers 6 and 7 of the works plans;

Work No. 33 – soakaway and access track north of Work No. 1, east of North Burlingham, shown on sheet numbers 6 and 7 of the works plans;

Work No. 34 – overbridge (B1140 Overbridge), and bridge approaches, to carry the improved B1140 over Work No. 1, 88 metres west of the existing South Walsham Road junction with A47 shown on sheet numbers 6 and 7 of the works plans;

Work No. 35 – southern approach to B1140 Overbridge, together with improvements to the highway of Coxhill Road and provision of junction with Acle Road, on the southern side of Work No. 1, and shown on sheet numbers 6 and 7 of the works plans;

Work No. 36 – northern approach to B1140 Overbridge, on the northern side of Work No. 1 east of North Burlingham and associated tying in works to South Walsham Road and shown on sheet numbers 6 and 7 of the works plans;

Work No. 37 – temporary compound east of South Walsham Road and north of Work No. 1, shown on sheet numbers 6 and 7 of the works plans;

Work No. 38 – soakaways and associated access for drainage, to the north of Work No. 1 and west of B1140 South Walsham Road, shown on sheet numbers 6 and 7 of the works plans;

Work No. 39 — Compound, soakaways and associated access from White House Lane, east of Acle Road and south of Work No.1, shown on sheet numbers 6 and 7 of the works plans;

Work No. 40 – realignment of White House Lane south of Work No.1, including turning head and shown on sheet numbers 6 and 7 of the works plans;

Work No. 41 – soakaway and associated access west of Work No. 35 and shown on sheet 6 and 7 of the works plans;

Work No. 42 – diversion underground of overhead electricity distribution network cables (33kV) of 260 metres east of North Burlingham and shown on sheet numbers 6 and 7 of the works plans;

Work No. 43 – diversion of utility apparatus from the layby to the north of the existing A47 and to the west of the junction of the A47 with The Windle and shown on sheet numbers 6, 7 and 8 of the works plans; and

Work No. 44 – diversion of potable water pipes to the south of the A47, to the west of the junction of the A47 with The Windle and shown on sheet numbers 6, 7 and 8 of the works plans.

And for the purposes of or in connection with the construction of any of those works mentioned above, further development within the Order limits consisting of—

- (a) alteration to the layout of any street permanently or temporarily, including but not limited to increasing or reducing the width of the carriageway of the street by reducing or increasing the width of any kerb, footpath, footway, cycle track or verge within the street; and altering the level of any such kerb, footpath, footway, cycle track or verge;
- (b) works required for the strengthening, improvement, maintenance or reconstruction of any street;
- (c) ramps, means of access, non-motorised links, footpaths, cycle tracks and crossing facilities;
- (d) embankments, aprons, abutments, shafts, foundations, piling, retaining walls, barriers, parapets, drainage, cofferdams, ditches, wing walls, highway lighting, fencing and culverts;
- (e) street works, including breaking up or opening up a street, or any sewer, drain or tunnel under it; tunnelling or boring under a street;
- (f) works to place, alter, remove or maintain street furniture or apparatus in a street, or apparatus in other land, including mains, sewers, drains, soakaways, pipes, cables, ducts and lights;
- (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 and the creation of alternative footpaths); earthworks (including soil stripping and storage, site levelling); remediation of contamination and lay down areas;
- (j) the felling of trees;
- (k) construction compounds and working sites, storage areas, temporary vehicle parking, construction fencing, perimeter enclosures, security fencing, construction-related buildings, temporary worker accommodation facilities, welfare facilities, construction lighting, haulage roads and other buildings, machinery, apparatus, works and conveniences;
- (l) the provision of other works including pavement works, kerbing and paved areas works, signing, signals, road markings works, traffic management measures including temporary

roads and such other works as are associated with the construction of the authorised development; and

- (m) such other works, working sites, storage areas and works of demolition, as may be necessary or expedient for the purposes of, or for purposes ancillary to, the construction of the authorised development.

SCHEDULE 2 REQUIREMENTS

Article 5

PART 1 REQUIREMENTS

Interpretation

1. In this Schedule—

“completion or completed” means the relevant parts of the authorised development are completed and fully open to traffic;

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

“drainage strategy” means the document certified as the drainage strategy under article 47 (certification of documents, etc.);

“DMRB” means the Design Manual for Roads and Bridges, which accommodates all current standards, advice and other documents relating to the design, assessment and operation of trunk roads and motorways, or any equivalent replacement to the DMRB published;

“EMP (First Iteration)” means the first iteration of the environmental management plan produced in accordance with the DMRB during the preliminary design stage and as certified under article 47 (certification of documents, etc.);

“EMP (Second Iteration)” means the second iteration of the environmental management plan produced in accordance with the DMRB, which is to be a refined version of the EMP (First Iteration) including more detailed versions of the outline plans contained or listed within the EMP (First Iteration) or any other plans as required;

“EMP (Third Iteration)” means the third iteration of the environmental management plan produced in accordance with the DMRB, which is a refined version of the EMP (Second Iteration) and which relates to the operational and maintenance phase of the authorised development;

“European protected species” has the same meaning as in regulations 42 (European protected species of animals) and 46 (European protected species of plants) of the Conservation of Habitats and Species Regulations 2017(b);

“lead local flood authority” has the same meaning as in section 6 (other definitions) of the Flood and Water Management Act 2010(c);

“the Manual of Contract Documents for Highway Works” means the document of that name published electronically by or on behalf of the strategic highway authority for England or any equivalent replacement published for that document;

(a) 1990 c.43. Section 78A was inserted by section 57 of the Environment Act 1995 (c. 25) and as amended by section 86(2) of the Water Act 2003 (c. 37).

(b) S.I. 2017/1012 to which there are no amendments relevant to these Regulations.

(c) 2010 c.29

“the masterplan” means the document certified as the masterplan under article 47 (certification of documents, etc.);

“nationally protected species” means any species protected under the Wildlife and Countryside Act 1981(a);

“the outline landscape and ecology management plan” means the document certified as the outline landscape and ecology management plan under article 47 (certification of documents, etc.);

“the outline traffic management plan” means the document certified as the outline traffic management plan under article 47 (certification of documents, etc.);

“REAC” means the Record of Environmental Actions and Commitments forming table 3.1 of the EMP (First Iteration).

Time limits

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

Detailed design

3.—(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 engineering drawings and sections unless otherwise agreed in writing by the Secretary of State, following consultation by the undertaker with the relevant planning authority on matters related to its functions, provided that the Secretary of State is satisfied that any amendments to the engineering drawings and sections showing departures from the preliminary scheme design would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.

(2) Except where paragraph (3) applies, where cycle tracks are shown on the Rights of Way and Access Plans the authorised development must be designed so that those cycle tracks are no less than 2.5 metres in width.

(3) Where:

- (a) there are existing physical constraints which mean that a 2.5 metre wide cycle track is not achievable; or
- (b) providing a cycle track 2.5 metres in width would give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement,

at those locations the authorised development must be designed so that those cycle tracks are no less than 2 metres in width for as short a length as is reasonable possible.

(4) Where amended details are approved by the Secretary of State under sub-paragraph (1), those details are deemed to be substituted for the corresponding engineering drawings and sections and the undertaker must make those amended details available in electronic form for inspection by members of the public.

Environmental Management Plan

4.—(1) No part of the authorised development is to commence until an EMP (Second Iteration) for that part, substantially in accordance with the EMP (First Iteration), has been submitted to and approved in writing by the Secretary of State, following consultation by the undertaker with the relevant planning authority, the Environment Agency, the local highway authority and the lead local flood authority, to the extent that the content of the EMP (Second Iteration) relates to matters relevant to their functions.

(a) 1981 c.69

(2) The EMP (Second Iteration) for a part must be written in accordance with ISO14001 and so far as is relevant to that part of the authorised development, must reflect the mitigation measures required by the REAC and set out in the Environmental Statement and must include as many of the following plans and strategies as are applicable to the part of the authorised development to which it relates—

- (a) Biosecurity management plan;
- (b) Construction communications strategy;
- (c) Construction noise and dust management plan;
- (d) Materials management plan;
- (e) Landscape and ecology management plan;
- (f) Site waste management plan;
- (g) Soil management plan to include soil resource plan and soil handling strategy;
- (h) Traffic management plan; and
- (i) Water monitoring and management plan.

(3) The relevant part of the authorised development must be constructed in accordance with the EMP (Second Iteration).

(4) On completion of construction of each part of the authorised development the EMP (Third Iteration) relating to that part must be submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority, the Environment Agency, the relevant local highway authority and the lead local flood authority, to the extent that the content of the EMP (Third Iteration) relates to matters relevant to their functions.

(5) The relevant part of the authorised development must be operated and maintained in accordance with the EMP (Third Iteration).

Landscaping

5.—(1) The authorised development must be landscaped in accordance with a landscaping scheme which sets out details of all proposed hard and soft landscaping works and which has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority.

(2) The landscaping scheme must reflect the mitigation measures set out in the REAC and must be based on the outline landscape and ecology management plan and the masterplan.

(3) The landscaping scheme prepared under sub-paragraph (1) must include details of—

- (a) location, number, species mix, size and planting density of any proposed planting;
- (b) cultivation, importing of materials and other operations to ensure plant establishment;
- (c) existing trees to be retained, with measures for their protection during the construction period;
- (d) proposed finished ground levels;
- (e) implementation timetables for all landscaping works; and
- (f) measures for the replacement, in the first available planting season, of any tree or shrub planted as part of the landscaping scheme that, within a period of 5 years after the completion of the part of the authorised development to which the relevant landscaping scheme relates, dies, becomes seriously diseased or is seriously damaged.

(4) 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.

Contaminated land and groundwater

6.—(1) In the event that contaminated land, including groundwater, is found at any time when carrying out the authorised development which was not previously identified in the environmental statement, it must be reported as soon as reasonably practicable to the Secretary of State, the relevant planning authority and the Environment Agency, and the undertaker must complete a risk assessment of the contamination in consultation with the relevant planning authority and the Environment Agency.

(2) Where the risk assessment prepared in accordance with sub-paragraph (1) determines that remediation of the contaminated land is necessary, a written scheme and programme for the remedial measures to be taken to render the land fit for its intended purpose and to prevent any impacts on controlled waters must be submitted to and approved in writing by the Secretary of State, following consultation by the undertaker with the relevant planning authority on matters related to its function and the Environment Agency.

(3) Remediation must be carried out in accordance with the approved scheme.

Protected species

7.—(1) No part of the authorised development is to commence until, for that part, final preconstruction survey work has been carried out to establish whether European or nationally protected species are present on any of the land affected or likely to be affected by that part of the relevant works, or in any of the trees and shrubs to be lopped or felled as part of the relevant works.

(2) Following pre-construction survey work or at any time when carrying out the authorised development, where—

- (a) a protected species is shown to be present, or where there is a reasonable likelihood of it being present;
- (b) application of the relevant assessment methods used in the environmental statement show that a significant effect is likely to occur which was not previously identified in the environmental statement; and
- (c) that effect is not addressed by any prior approved scheme of protection and mitigation established in accordance with this paragraph,

the relevant parts of the relevant works must cease until a scheme of protection and mitigation measures has been submitted to and approved in writing by the Secretary of State.

(3) The undertaker must consult with Natural England on the scheme referred to in subparagraph (2) prior to submission to the Secretary of State for approval, except where a suitably qualified and experienced ecologist, holding where relevant and appropriate a licence relating to the species in question, determines that the relevant works do not require a protected species licence.

(4) The relevant works under sub-paragraph (2) must be carried out in accordance with the approved scheme, unless otherwise agreed by the Secretary of State after consultation by the undertaker with Natural England, and under any necessary licences.

Surface water drainage

8.—(1) No part of the authorised development is to commence until, for that part, written details of the surface water drainage system, reflecting the drainage strategy and the mitigation measures set out in the REAC including means of pollution control, have been submitted and approved in writing by the Secretary of State following consultation by the undertaker with the Environment Agency, the relevant planning authority and the lead local flood authority, on matters related to their functions.

(2) The surface water drainage system must be constructed in accordance with the approved details, unless otherwise agreed in writing by the Secretary of State following consultation by the undertaker with the Environment Agency, the relevant planning authority and the lead local flood

authority, on matters related to their functions, provided that the Secretary of State is satisfied that any amendments to the approved details would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.

Archaeological remains

9.—(1) No part of the authorised development is to commence until, for that part, a written scheme of investigation of areas of archaeological interest, reflecting the relevant mitigation measures set out in the REAC, has been submitted to and approved in writing by the Secretary of State, following consultation by the undertaker with the relevant planning authority and the Historic Buildings and Monuments Commission for England.

(2) The authorised development must be carried out in accordance with the scheme referred to in sub-paragraph (1).

Traffic management

10.—(1) No part of the authorised development comprising the construction, alteration or improvement of Work No. 1 is to commence until a traffic management plan for that part, reflecting the outline traffic management plan, has been submitted to and approved in writing by the Secretary of State, following consultation by the undertaker with the relevant highway authority on matters related to its function.

(2) The authorised development must be constructed in accordance with the traffic management plan referred to in sub-paragraph (1).

Fencing

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

New Pond

12.—(1) No part of Work No. 13 is to commence until the siting, design, method of construction and timetable for delivery of the new pond to be included within Work No. 13 and specified in W8 of the REAC has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority.

(2) The pond forming part of Work No. 13 must thereafter be carried out in accordance with the approved details.

Approvals and amendments to approved details

13. With respect to any requirement which requires the authorised development to be carried out in accordance with the details or schemes approved under this Schedule, the approved details or schemes are taken to include any amendments that may subsequently be approved in writing by the Secretary of State.

PART 2

PROCEDURE FOR DISCHARGE OF REQUIREMENTS

Applications made under requirements

14.—(1) Where an application has been made to the Secretary of State for any consent, agreement or approval required by a requirement (including consent, 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 15 (further information); 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 from a body required to be consulted by the undertaker under the requirement that considers it likely that the subject matter of the application would give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement,

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

Further information

15.—(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.

(3) In the event that the Secretary of State does not give such notification within that 21 day business 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.

(4) 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 14 (applications made under requirements) and in this paragraph.

(5) 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).

(a) 1971 c. 80 to which there are amendments not relevant to this Order.

Register of requirements

16.—(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

17. If before the coming into force of this Order the undertaker or any other person has taken 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.

Details of consultation

18. In relation to any provision of this Schedule requiring details to be submitted to the Secretary of State for approval following consultation by the undertaker with another party, the undertaker must provide such other party with not less than 28 days for any response to the consultation and thereafter the details submitted to the Secretary of State for approval 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.

SCHEDULE 3

Articles 12, 13 and 19

CLASSIFICATIONS OF ROADS, ETC.

PART 1

TRUNK ROADS

(1) <i>Area</i>	(2) <i>Length of road</i>
The classification of roads plans – sheets 1, 2, 3, 4, 5, 6 and 8	
Blofield, Lingwood and Burlingham, Beighton, Acle.	<p>The New A47 Trunk Road</p> <p>A 4,570 metre length of new highway to be classified as part of the A47 Trunk Road (including existing highway to be improved, as identified in sub-paragraph (a), (c), (d) and (f) below):</p> <p>(a) On the eastbound carriageway commencing from point A, 362 metres east of the centreline of the Plantation Road Overbridge, in an easterly direction to point AM a distance of 479 metres.</p> <p>(b) On the eastbound carriageway</p>

	<p>commencing from point AM, 841 metres east of the centreline of the Plantation Road Overbridge, in an easterly direction to point AJ (sheet 6) a distance of 3,549 metres.</p> <p>(c) On the eastbound carriageway commencing from point AJ, 4,390 metres east of the centreline of the Plantation Road Overbridge, in an easterly direction to point B (sheet 8) a distance of 538 metres.</p> <p>(d) On the westbound carriageway commencing from point C, 362 metres east of the centreline of the Plantation Road Overbridge, in an easterly direction to point AN a distance of 485 metres.</p> <p>(e) On the westbound carriageway commencing from point AN, 847 metres east of the centreline of the Plantation Road Overbridge, in an easterly direction to point AK (sheet 6) a distance of 3,548 metres.</p> <p>(f) On the westbound carriageway commencing from point AK, 4,395 metres east of the centreline of the Plantation Road Overbridge, in an easterly direction to point D (sheet 8) a distance of 441 metres.</p>
The classification of roads plans – sheet 1	
Blofield	<p>Yarmouth Road Junction Westbound Merge (including existing highway to be improved) to be classified as part of the A47 Trunk Road</p> <p>From point E, 758 metres east of the centreline of the Plantation Road Overbridge, in a north-westerly direction to point F a distance of 159 metres.</p>
Blofield	<p>Yarmouth Road Junction Westbound Diverge (including existing highway to be improved) to be classified as part of the A47 Trunk Road</p> <p>From point E, 758 metres east of the centreline of the Plantation Road Overbridge, in a north-easterly direction to point G (sheet 2) a distance of 162.5 metres.</p>
The classification of roads plans – sheet 6	
Lingwood and Burlingham	<p>New Slip Road to the New B1140 Overbridge Diverge to be classified as part of the A47 Trunk Road</p> <p>From point M, 4,034 metres east of the centreline of the Plantation Road Overbridge, in a westerly and then south-westerly direction to point K a distance of 165 metres.</p>
Lingwood and Burlingham	<p>New Slip Road to the New B1140 Overbridge to be classified as part of the A47 Trunk Road</p> <p>From point K, 3,978 metres east of the</p>

	centreline of the Plantation Road Overbridge, in a southerly and then easterly direction to point AG a distance of 172 metres.
Lingwood and Burlingham	New Slip Road to the New B1140 Overbridge Merge to be classified as part of the A47 Trunk Road From point K, 3,978 metres east of the centreline of the Plantation Road Overbridge, in a north-westerly and then westerly direction to point L (sheet 5) a distance of 311 metres.
Lingwood and Burlingham	South Walsham Road Junction Eastbound Diverge to be classified as part of the A47 Trunk Road From point I, 4,013 metres east of the centreline of the Plantation Road Overbridge, in an easterly and then north-easterly direction to point H a distance of 158 metres.
Lingwood and Burlingham, Beighton	South Walsham Road Junction Eastbound Merge to be classified as part of the A47 Trunk Road From point H, 4,172 metres east of the centreline of the Plantation Road Overbridge, in a south-easterly and then easterly direction to point J a distance of 292 metres.

PART 2

CLASSIFIED B ROADS

(1) <i>Area</i>	(2) <i>Length of road</i>
The classification of roads plans – sheet 6	
Lingwood and Burlingham	B1140 South Walsham Road A 236 metre length of new highway to be classified as part of the B1140 (including existing highway to be improved, as identified in sub-paragraph (a) below): <div style="margin-left: 40px;"> (a) From point AH, 270 metres north of its junction with the new A47 Trunk Road, in a southerly direction to point AI a distance of 205 metres. (b) From point AI, 65 metres north of its junction with the new A47 Trunk Road, in a southerly direction to point H a distance of 31 metres. </div>
Lingwood and Burlingham	New B1140 Overbridge and Approach Roads A 588 metre length of new highway to be classified as part of the B1140 (including existing highway to be improved, as identified in, as identified in sub-paragraph (b) below): <div style="margin-left: 40px;"> (a) From point Z, 148 metres north of the junction of South Walsham Road with the new A47 Trunk Road, in a westerly and then southerly direction </div>

	<p>crossing the new B1140 Overbridge to point AL a distance of 485 metres.</p> <p>(b) From point AL in a southerly direction to point AA (sheet 7) a distance of 103 metres.</p>
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PART 2A

CLASSIFIED C ROADS

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Length of road</i>
The classification of roads plans – sheet 1	
Blofield	<p>Yarmouth Road (including existing highway to be improved) to be classified as part of the C458 Yarmouth Road</p> <p>From point N, 6 metres east of the private access into the Norwich Camping and Leisure garden centre, in an easterly and then northerly direction to point E a distance of 153 metres.</p>
Blofield	<p>Waterlow (new alignment)</p> <p>From point O, 155 metres east of the private access into the Norwich Camping and Leisure garden centre, in an easterly direction to point P (sheet 2) a distance of 313 metres.</p>
The classification of roads plans – sheet 2	
Blofield	<p>Blofield Bridge and Approach Roads</p> <p>From point P, 313 metres east of the new junction of Waterlow with Yarmouth Road, in easterly direction crossing the new Blofield Overbridge to point Q on the detrunked A47 a distance of 570 metres.</p>
Blofield, Lingwood and Burlingham	<p>Detrunked A47 (including existing highway to be improved)</p> <p>From point Q, 570 metres east of the centreline of Waterlow, in easterly direction to point V (sheet 5) a distance of 1,972 metres.</p>
Blofield	<p>Waterlow (including existing highway to be improved)</p> <p>From point S, 313 metres east of its junction with Yarmouth Road, in a southerly direction to point R a distance of 69 metres.</p>
Blofield	<p>Detrunked A47 (including existing highway to be improved)</p> <p>From point T, 7 metres west of the centreline of High Noon Lane, in an easterly direction to point U, north of the new Blofield Overbridge, a distance of 414 metres.</p>
The classification of roads plans – sheet 4	
Lingwood and Burlingham	<p>Lingwood Road Turning Head</p> <p>A turning head on Lingwood Road from point AS, 91 metres south of the southern boundary of the detrunked A47, in an easterly direction to point AT, a distance of 13 metres.</p>

The classification of roads plans – sheet 5	
Lingwood and Burlingham	Detrunked A47 East Side Road Realignment (including existing highway to be improved) From point V, 2,537 metres east of its junction with High Noon Lane, in an easterly and then north-easterly direction to point W (sheet 6) a distance of 520 metres.
Lingwood and Burlingham	Lingwood Lane Turning Head A turning head on Lingwood Lane from point AU, 111 metres south of the southern boundary of the detrunked A47, in an easterly direction to point AV, a distance of 11 metres.
The classification of roads plans – sheet 6	
Lingwood and Burlingham	Main Road East From point X, 121 metres east of the private access into the Old College, in an easterly and then southerly direction to point Y a distance of 55 metres.
Beighton	Acle Road Junction with the B1440 Coxhill Road (including existing highway to be improved) From point AC, 5 metres northeast of the junction of Acle Road with Coxhill Road, in a south-westerly direction to point AB (sheet 7) for a distance of 29 metres.

PART 3

UNCLASSIFIED ROADS

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Length of road</i>
The classification of roads plans – sheet 2	
Blofield	Access Road From point AO, 52 metres south west of the new Blofield Overbridge, in a south-easterly then north-easterly direction to point AP a distance of 197 metres.
Blofield	Access Road link to Maintenance Access Track From point AQ, 22 metres west of the point AP in a southerly then westerly direction to point AR a distance of 15 metres.
The classification of roads plans – sheet 6	
Lingwood and Burlingham, Beighton	White House Lane Realignment From point AD, 66 metres northwest of the junction of Coxhill Road and Lingwood Long Lane in a north-easterly direction to point AE a distance of 117 metres.
Beighton	White House Lane From point AE, 163 metres southwest of its junction with the southern boundary of the new A47 Trunk Road, in a north-easterly direction to point AF a distance of 143 metres.
Beighton	White House Lane link to Maintenance Access

	Track From point AX on White House Lane, 45 metres south of the junction of the detrunked A47 with the B1140 White House Lane, in a westerly direction to point AY a distance of 24 metres.
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PART 4

SPEED LIMITS

Note: where speed limits are indicated on the plans relating to this Part (the traffic regulation plans) but are not referenced in this schedule they indicate that national speed limits apply in accordance with either:

- (a) the national speed limit set out in Section 86 and Schedule 6 of the Road Traffic Regulation Act 1984 and the 70 miles per hour, 60 miles per hour and 50 miles per hour (Temporary Speed Limit) Order 1977 as varied by the 70 miles per hour, 60 miles per hour and 50 miles per hour (Temporary Speed Limit) (Variation) Order 1978 and continued indefinitely by Regulation 2 of the 70 Miles Per Hour, 60 Miles Per Hour and 50 Miles Per Hour (Temporary Speed Limit) (Continuation) Order 1978 (SI 1978/1548)(a); or
- (b) the provisions of the Road Traffic Regulation Act 1984 (which defines speed limits on 'restricted roads' by reference to street lighting),

and are not subject to this order. For details of the scheme lighting design, refer to the general arrangement plans.

(1) <i>Parish</i>	(2) <i>Road name, number and length</i>	(3) <i>Speed Limit</i>
The traffic regulation plans – sheet 1		
Blofield	A47 Trunk Road westbound From point X1, 573 metres east of the centreline of the Plantation Road Overbridge, in an easterly direction to point X2 a distance of 26 metres. For extent of lighting design see general arrangement plans sheet 1.	Removal of Restricted Road Status
Blofield	A47 Trunk Road including westbound diverge From point X5 (sheet 2) in a westerly and then south-westerly direction to point X4 (sheet 1) a distance of 163 metres. For extent of lighting design see general arrangement plans	Removal of Restricted Road Status

(a) SI 1978/1548. The Road Traffic Regulation Act 1984 and the 70 miles per hour, 60 miles per hour and 50 miles per hour (Temporary Speed Limit) Order 1977 and the 70 miles per hour, 60 miles per hour and 50 miles per hour (Temporary Speed Limit) (Variation) Order 1978 were not statutory instruments.

	sheets 1 and 2.	
Blofield	A47 Trunk Road including westbound merge From point X3 in a north-westerly direction to point X2 a distance of 173 metres. For extent of lighting design see general arrangement plans sheet 1.	Removal of Restricted Road Status
Blofield	The realigned Waterlow From point O, 18 metres east of its junction with Yarmouth Road, in an easterly direction crossing the new Blofield Overbridge to point U (sheet 3) on the detrunked A47 a total distance of 1045 metres.	40 miles per hour
The traffic regulation plans – sheet 2		
Blofield	A47 Trunk Road westbound From point X6, 944 metres east of the centreline of the Plantation Road Overbridge, in a westerly direction to point X5 a distance of 33 metres. For extent of lighting design see general arrangement plans sheet 2.	Removal of Restricted Road Status
Blofield	Access Road From point N, 554 metres east of the junction of Yarmouth Road and the realigned Waterlow, in a south-easterly and then north-easterly direction to point P a distance of 196 metres.	30 miles per hour
Blofield	Access Road link to Maintenance Access Track From point AJ, 728 metres east of the junction of Yarmouth Road and the realigned Waterlow, in a southerly then westerly direction to point AK a distance of 13 metres.	30 miles per hour
Blofield	Existing Waterlow From point T, 310 metres east of the junction with Yarmouth Road (sheet 1), in a southerly direction to point S, a distance of 19 metres.	40 miles per hour
Blofield	High Noon Lane From point W, 1,027 metres east of the centreline of the Plantation Road Overbridge, in a northerly direction to	40 miles per hour

	point V, a distance of 19 metres.	
Blofield	The detrunked A47 From point R, at the new junction between High Noon Lane and the detrunked A47, in an easterly direction to point X north of the new Blofield Overbridge a distance of 423 metres.	40 miles per hour
The traffic regulation plans – sheet 5		
Lingwood and Burlingham	The detrunked A47 From point Y, 697 metres east of its western junction with Main Road, in an easterly and then north-easterly direction to point X7 (sheet 6) a distance of 382 metres.	50 miles per hour
The traffic regulation plans – sheet 6		
Lingwood and Burlingham	The detrunked A47 From point X7, 1,079 metres east of its western junction with Main Road, in a north-easterly and then easterly direction to point Z a distance of 117 metres.	Removal of Restricted Road Status 50 miles per hour
Lingwood and Burlingham	Main Road From point AA in an easterly and then southerly direction to point AB a distance of 55 metres.	50 miles per hour
Lingwood and Burlingham	A47 Trunk Road eastbound From point X8, 1,057 metres west of the centreline of The Windle Junction, in an easterly direction to point X9 a distance of 77 metres For extent of lighting design see general arrangement plans sheet 6.	Removal of Restricted Road Status
Lingwood and Burlingham	A47 Trunk Road including eastbound diverge From point X9 in an easterly and then northerly direction to point X10 a distance of 181 metres. For extent of lighting design see general arrangement plans sheet 6.	Removal of Restricted Road Status
Lingwood and Burlingham / Beighton	A47 Trunk Road including eastbound merge From point X11 in a southerly and then easterly direction to point X12 a distance of 332 metres.	Removal of Restricted Road Status

	For extent of lighting design see general arrangement plans sheet 6.	
Beighton / Lingwood and Burlingham	A47 Trunk Road westbound From point X13, 795 metres west of the centreline of The Windle Junction, in a westerly direction to point X14 a distance of 66 metres. For extent of lighting design see general arrangement plans sheet 6.	Removal of Restricted Road Status
Lingwood and Burlingham	A47 Trunk Road including westbound diverge From point X14 in a westerly and then south-westerly direction to point X15 a distance of 171 metres. For extent of lighting design see general arrangement plans sheet 6.	Removal of Restricted Road Status
Lingwood and Burlingham	A47 Trunk Road including westbound merge From point X16 in a north-westerly and then westerly direction to point X17 a distance of 322 metres. For extent of lighting design see general arrangement plans sheet 6.	Removal of Restricted Road Status
Lingwood and Burlingham / Beighton	Coxhill Road from point AF, at its junction with Acle Road, in a southerly direction to point AG (sheet 7) a distance of 109 metres.	30 miles per hour
Beighton / Lingwood and Burlingham	White House Lane from point AC, 30 metres south of the A47 Trunk Road, in a southerly and then south-westerly direction to Point AD a distance of 259 metres.	30 miles per hour
Beighton	White House Lane link to Maintenance Access Track From point AH, 45 metres south of the junction of White House Lane with the detrunked A47 in an westerly direction to point AI a distance of 24 metres.	30 miles per hour
The traffic regulation plans – sheet 7		
Lingwood and Burlingham / Beighton	Acle Road from point AE, 798 metres northeast of its junction with Lingwood Lane, in a north easterly direction to point AF (sheet 6) a distance	30 miles per hour

	of 19 metres.	
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PART 5

REVOCATIONS & VARIATIONS OF EXISTING TRAFFIC REGULATION ORDERS

<i>(1)</i> <i>Parish</i>	<i>(2)</i> <i>Road name and number</i>	<i>(3)</i> <i>Title of Order</i>	<i>(4)</i> <i>Revocations or Variations</i>
The traffic regulation plans – sheet 2			
Blofield	Former A47 Trunk Road	The A47 Trunk Road (Wansford, City of Peterborough to Great Yarmouth, Norfolk) (24 Hour Clearway) Order 2013(a)	Paragraph 3 of the said order will not apply to the eastbound Former A47 Trunk Road from point Z1 876 metres east of the centreline of the Plantation Road Overbridge in an easterly direction to point Z3 a distance of 370 metres;
Blofield	Former A47 Trunk Road	The A47 Trunk Road (Wansford, City of Peterborough to Great Yarmouth, Norfolk) (24 Hour Clearway) Order 2013	Paragraph 3 of the said order will not apply to the westbound Former A47 Trunk Road from point Z2 979 metres east of the centreline of the Plantation Road Overbridge in an easterly direction to point Z3 a distance of 268 metres.
Blofield / Lingwood and Burlingham	Former A47 Trunk Road	The A47 Trunk Road (Wansford, City of Peterborough to Great Yarmouth, Norfolk) (24 Hour Clearway) Order 2013	Paragraph 3 of the said order will not apply to the Former A47 Trunk Road from point Z3 1,246 metres east of the centreline of the Plantation Road Overbridge in an easterly direction to point Z4 (sheet 5) a distance of 2,272 metres.
The traffic regulation plans – sheet 5			
Lingwood and Burlingham	Former A47 Trunk Road	The A47 Trunk Road (Wansford, City of Peterborough to Great Yarmouth, Norfolk) (24 Hour Clearway)	Paragraph 3 of the said order will not apply to the eastbound Former A47 Trunk Road from point Z4

(a) SI 2013/394

		Order 2013	3518 metres east of the centreline of the Plantation Road Overbridge in an easterly direction to point Z5 (sheet 6) a distance of 826 metres;
Lingwood and Burlingham Beighton /	Former A47 Trunk Road	The A47 Trunk Road (Wansford, City of Peterborough to Great Yarmouth, Norfolk) (24 Hour Clearway) Order 2013	Paragraph 3 of the said order will not apply to the westbound Former A47 Trunk Road from point Z4 3518 metres east of the centreline of the Plantation Road Overbridge in an easterly direction to point Z6 (sheet 6) a distance of 721 metres.

PART 6

FOOTPATHS, CYCLE TRACKS, FOOTWAYS AND BRIDLEWAYS

(1) <i>Parish</i>	(2) <i>Length of Footpath/Cycle track/Footway/Bridleway</i>
The rights of way and access plans – sheet 1	
Blofield	Reference F1 to F2 A footway in the verge on the northern side of Yarmouth Road, opposite the access to Norwich Camping and Leisure garden centre from point F1 at the termination of the existing footway, in an easterly direction to point F2, a distance of 8 metres.
Blofield	Reference F3 to F4 A footway in the verge on the southern side of Yarmouth Road and the realigned Waterlow from point F3 on Yarmouth Road, 6 metres east of the private access into the Norwich Camping and Leisure garden centre, in an easterly direction passing into the realigned Waterlow to point F4, a distance of 224 metres.
Blofield	Reference SU1 to SU2 (sheet 2) A cycle track in the verge on the northern side of the realigned Waterlow from point SU1, 69 metres east of its junction with Yarmouth Road, in an easterly and then north-easterly direction over the new Blofield Overbridge to the detrunked A47 at point SU2 (sheet 2), a distance of 627 metres.
The rights of way and access plans – sheet 2	
Blofield	Reference SU3 to SU4 (sheet 3)

	A cycle track in the verge on the northern side of the detrunked A47 from point SU3, 396 metres east of High Noon Lane junction, in an easterly direction to the Plantation Farm and Jary's Farm access at point SU4 (sheet 3), a distance of 385 metres.
Blofield	Reference SU16 to SU17 A cycle track in the verge on the southern approach road to the new Blofield Overbridge from point SU16, 512 metres east of the junction of the realigned Waterlow and Yarmouth Road, in an easterly and then south-easterly direction onto the new Access Road to point SU17, a distance of 77 metres.
Blofield	Reference SU18 to SU21 A cycle track on the northern side of new Access Road from point SU18, 593 metres east of the junction of the realigned Waterlow and Yarmouth Road, in a north-easterly and then easterly direction to point SU21 (sheet 4) at Burlingham Footpath 3 a distance of 1,425 metres.
The rights of way and access plans – sheet 3	
Lingwood and Burlingham	Reference SU5 to SU6 A cycle track in the verge on the northern side of the detrunked A47 from point SU5, at the Plantation Farm and Jary's Farm access, in an easterly direction to Dell Corner Lane at point SU6 (sheet 4), a distance of 705 metres.
The rights of way and access plans – sheet 4	
Lingwood and Burlingham	Reference SU14 to SU15 A cycle track in the verge on the northern side of the detrunked A47 from point SU14 at the eastern side of Dell Corner Lane, in an easterly direction to point SU15 at Main Road, a distance of 250 metres.
Lingwood and Burlingham	Reference SU19 to SU21 A cycle track from point SU19, 63 metres south of the former junction of the stopped up Lingwood Road with the detrunked A47, in a southerly direction crossing the new agricultural access track to point SU21 at Lingwood Road, a distance of 9 metres.
Lingwood and Burlingham	Reference FP4 to FP5 A footpath from point FP4, 67 metres south of the junction of the stopped up Burlingham Footpath 3 with the detrunked A47 in a southerly direction crossing the new agricultural access track to point FP5 a distance of 9 metres.
Lingwood and Burlingham	Reference SU21 to SU29 (sheet 5) A cycle track: (a) on the northern side of new agricultural access track from point SU21, 67 metres south of the junction of stopped up Burlingham Footpath 3 with the

	<p>detrunked A47, in an easterly direction to point SU23 a distance of 97 metres;</p> <p>(b) then in a southerly direction, crossing from the northern to the southern side of new maintenance access track to point SU24, a distance of 9 metres;</p> <p>(c) then in an easterly direction, on the southern side of new maintenance access track, in an easterly direction to point SU25 (sheet 5), a distance of 340 metres;</p> <p>(d) then in a southerly direction, to the south of the new maintenance access track, to point SU26 (sheet 5), a distance of 5 metres;</p> <p>(e) then in a south-easterly direction of the southern side of new maintenance access track to point SU27 (sheet 5), a distance of 145 metres;</p> <p>(f) then in a northerly direction to point SU28 (sheet 5), a distance of 39 metres; and</p> <p>(g) then in an easterly direction to point SU29 (sheet 5) at Lingwood Lane, a distance of 194 metres.</p>
The rights of way and access plans – sheet 5	
Lingwood and Burlingham	<p>Reference F9 to F10</p> <p>A footway in the verge on the northern side of Main Road from point FP9, at the eastern side of the private access to the Old College, in an easterly direction to point F10 (sheet 6), a distance of 96 metres.</p>
Lingwood and Burlingham	<p>Reference SU29 to SU34</p> <p>A cycle track:</p> <p>(a) from point SU29, at Lingwood Lane, 86 metres south, the southern boundary of the detrunked A47, in a northerly direction along the line of the stopped up Lingwood Lane to point SU30, a distance of 22 metres;</p> <p>(b) then in an easterly direction, south of the A47 Trunk Road to point SU31 (sheet 6), a distance of 388 metres;</p> <p>(c) then in a south-easterly and then easterly direction, on the western side of new slip road onto the new A47 Trunk Road (south-west of the new B1140 Overbridge), to point SU32 (sheet 6), a distance of 263 metres;</p> <p>(d) then in a south-easterly direction, parallel to the new B1140 Overbridge southern approach road, to point SU33 (sheet 6), a distance of 65 metres; and</p>

	(e) then in a easterly direction to point SU34 (sheet 6), a distance of 9 metres.
The rights of way and access plans – sheet 6	
Lingwood and Burlingham	Reference SU7 to SU8 A cycle track in the verge on the northern side of Main Road from point SU7, 96 metres east of the eastern side of the private access to the Old College, in an easterly and then north-easterly direction to point SU8 on the B1140 South Walsham Road (sheet 6), a distance of 414 metres.
Lingwood and Burlingham	Reference SU9 to SU10 A cycle track in the verge on the southern side of the new road linking the detrunked A47 to the new B1140 Overbridge northern approach from point SU9, 352 metres east of the eastern side of the private access to the Old Cottage on Main Road, in a north-easterly and then southerly direction, crossing the new B1140 Overbridge on its western side and then turning west at the new slip road onto the new A47 Trunk Road to point SU10, a distance of 326 metres.
Lingwood and Burlingham	Reference SU11 to SU13 A cycle track in the verge on the southern side of the new slip road onto the new A47 Trunk Road (south of the new B1140 Overbridge): (a) from point SU11 in an easterly and then south-easterly direction to point SU12, a distance of 104 metres; and (b) then in a south-easterly and then south-westerly direction to point SU13 (sheet 7) at Acle Road, a distance of 72 metres.

PART 7

ROADS TO BE DETRUNKED

(1) <i>Parish</i>	(2) <i>Length of Road</i>
The detrunking plans – sheets 1, 2, 3, 4, 5 and 6	
	A length of 3,250 metres of the A47 Trunk Road from point A (sheet 2), 877 metres east of the centreline of the Plantation Road Overbridge, in an easterly direction to point B (sheet 6) 123 metres east of South Walsham Road.

PART 8

TRAFFIC REGULATION MEASURES (CLEARWAYS AND PROHIBITIONS)

<i>(1)</i> <i>Parish</i>	<i>(2)</i> <i>Road name, number and length</i>	<i>(3)</i> <i>Measures</i>
The traffic regulation plans – sheets 1, 2, 3, 4, 5, 6, 7 and 8		
Blofield / Lingwood and Burlingham / Beighton / Acle	A47 Trunk Road eastbound From point A, 362 metres east of the centreline of the Plantation Road Overbridge, in an easterly direction to point B (sheet 8) a distance of 4,570 metres	Clearway (including verges, hard shoulders)
Blofield / Lingwood and Burlingham / Beighton / Acle	A47 Trunk Road westbound From point C, 362 metres east of the centreline of the Plantation Road Overbridge, in an easterly direction to point D (sheet 8) a distance of 4,474 metres.	Clearway (including verges, hard shoulders)
The traffic regulation plans – sheets 1		
Blofield	A47 Trunk Road Yarmouth Road Junction Westbound Merge (including existing highway to be improved) From point E in a north-westerly direction to point F a distance of 173 metres.	Clearway (including verges, hard shoulders)
The traffic regulation plans – sheets 2		
Blofield	A47 Trunk Road Yarmouth Road Junction Westbound Diverge (including existing highway to be improved) From point G in a westerly and then south-westerly direction to point E (sheet 1) a distance of 163 metres.	Clearway (including verges, hard shoulders)
The traffic regulation plans – sheets 6		
Lingwood and Burlingham	A47 Trunk Road new Diverge to Southern Slip Road leading to New B1140 Overbridge From point M in a westerly and then south-westerly direction to point K a distance of 171 metres.	Clearway (including verges, hard shoulders)
Lingwood and Burlingham	A47 Trunk Road new Merge from Southern Slip Road leading to New B1140 Overbridge From point K in a north-westerly and then westerly direction to point L (sheet 5) a distance of 322 metres.	Clearway (including verges, hard shoulders)
Lingwood and Burlingham	A47 Trunk Road South Walsham Road Junction Eastbound Diverge From point I in an easterly and	Clearway (including verges, hard shoulders)

	then northerly direction to point H a distance of 181 metres.	
Lingwood and Burlingham / Beighton / Acle	A47 Trunk Road South Walsham Road Junction Eastbound Merge From point H in a southerly and then easterly direction to point J a distance of 332 metres.	Clearway (including verges, hard shoulders)

SCHEDULE 4

Articles 17, 27 and 28

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 are to be stopped up, as described in column (2) of Parts 1 and 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 Parts 1 and 2 of this Schedule and given a reference label in a square box (a capital A followed by a number).
- (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 honeycomb-hatching (for motorways and trunk roads), blue cross-hatching (for other classified roads and highways) orange dashes (for cycle tracks), brown dashes (for footpaths) and green dashes (for footways) (as shown in the key on the rights of way and access plans) and are given a reference label in a square (D for new highway to be substituted or provided, SU for cycle tracks, FP for footpaths and F for footways in each case followed by a number) and will be a road unless the word 'footpath', 'bridleway', 'footway' or 'cycle track' appears 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 in a square (a capital B followed by a number).
- (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 3 of this Schedule, are shown by black line hatching (as shown in the key on the rights of way and access plans) and are given a reference label in a square (a capital C followed by a number).
- (e) Private means of access to be altered are included in column (2) of Part 5 of this Schedule, are shown by purple line hatching (as shown in the key on the rights of way and access plans) and are given a reference label in a square (a capital C followed by a number).

PART 1

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

(1) <i>Area</i>	(2) <i>Highway to be stopped up</i>	(3) <i>Extent of stopping up</i>
The rights of way and access plans – sheet 1		
Blofield	Reference A2 See sheet 2	Reference A2 See sheet 2
The rights of way and access plans – sheet 2		
Blofield	Reference A2 Detrunked A47	Reference A2 From a point 48 metres east of the Yarmouth Road junction in an easterly direction to a point 10 metres east of the improved private means of access into the Atlantic Truck and Van Centre (see reference C3), a distance of 285 metres.
Blofield	Reference A3 Detrunked A47	Reference A3 From a point 382 metres east of High Noon Lane in an easterly direction, for a distance of 106 metres.
The rights of way and access plans – sheet 4		
Lingwood and Burlingham	Reference A4 (see inset D) Lingwood Road	Reference A4 (see inset D) From its junction with the southern boundary of the detrunked A47 in a southerly direction to the southern boundary of the new private means of access (reference C4), a distance of 72 metres.
The rights of way and access plans – sheet 5		
Lingwood and Burlingham	Reference A6 Lingwood Lane	Reference A6 From its junction with the southern boundary of the detrunked A47 in a southerly direction to the northern boundary of the new cycle track where it turns north along Lingwood Lane, a distance of 86 metres.
The rights of way and access plans – sheet 6		
Beighton	Reference A9 Part of White House Lane	Reference A9 From its junction with the new A47 Trunk Road in a southerly direction for a distance of 22 metres.
The rights of way and access plans – sheet 8		
Acle	Reference A10 A47 Trunk Road eastbound lay-by	Reference A10 A length of lay-by from a point 384 metres east of the junction of the detrunked A47 with the

		B1140 South Walsham Road in an easterly direction for a distance of 335 metres.
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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)</i> <i>Area</i>	<i>(2)</i> <i>Highway to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>	<i>(4)</i> <i>New highway to be substituted/provided</i>
The rights of way and access plans – sheet 1			
Blofield	Reference A1 Part of the existing Waterlow	Reference A1 A length from a point 27 metres east of its junction with Yarmouth Road in an easterly and then southerly direction for a distance of 292 metres (sheet 2).	Reference D1 Realigned Waterlow To be substituted by a length of new highway from a point 27 metres east of the junction of Waterlow with Yarmouth Road in an easterly and then south-easterly direction to the part of Waterlow which is not being stopped up (sheet 2), a distance of 270 metres.
The rights of way and access plans – sheet 2			
Blofield	Reference A1 See sheet 1		Reference D1 See sheet 1
The rights of way and access plans – sheet 4			
Lingwood and Burlingham	Reference A5 (see inset E) Burlingham Footpath 3	Reference A5 (see inset E) From its junction with the detrunked A47 in a southerly direction for a distance of 76 metres to the southern boundary of the new agricultural access track.	Reference SU18 (sheet 2) to FP5 (a) A cycle track on the northern side of new Access Road from point SU18 (sheet 2), 593 metres east of the junction of the realigned Waterlow and Yarmouth Road, in a north-easterly and then easterly direction to point SU21 (sheet 4) at Burlingham

			<p>Footpath 3 a distance of 1,425 metres; and</p> <p>(b) A footpath from point FP4, 67 metres south of the junction of the stopped up Burlingham Footpath 3 with the detrunked A47 in a southerly direction crossing the new agricultural access track to FP5, at Burlingham Footpath 3, a distance of 9 metres</p>
The rights of way and access plans – sheet 5			
Lingwood and Burlingham	Reference A7 Part of the detrunked A47	Reference A7 A length from a point 59 metres east of its junction with Lingwood Lane in an easterly direction for a distance of 706 metres.	<p>References D2, D3, D4, D5, D6, D7 To be substituted by the following lengths of new highway:</p> <p>(a) Reference D2 from a point 59 metres east of the junction of the detrunked A47 with Lingwood Lane in an easterly direction for a distance of 520 metres; and</p> <p>(b) Reference D3 (sheet 6) a length of new highway from a point 579 metres east of the junction of the detrunked A47 with</p>

			<p>Lingwood Lane in an easterly direction for a distance of 70 metres to a new junction with B1140 South Walsham Road; and</p> <p>(c) Reference D4 (sheet 6, see inset F) a length of improved South Walsham Road from a point 649 metres east of the junction of the detrunked A47 with Lingwood Lane in a southerly direction for 91 metres to the northern boundary of the junction of South Walsham Road with the stopped up detrunked A47 ; and</p> <p>(d) Reference D5 (sheet 6, see inset F) a length of new highway from the northern boundary of the junction of South Walsham Road with the stopped up detrunked A47 in a southerly direction for 58 metres to the northern boundary of</p>
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			<p>the new A47 Trunk Road; and</p> <p>(e) Reference D6 (sheet 6) a length of new highway from a point 579 metres east of the junction of the detrunked A47 with Lingwood Lane in a southerly direction (over but not including the structure of the new B1140 Overbridge) for 268 metres; and</p> <p>(f) Reference D7 (sheet 6) a length of new highway from a point 177 metres south of the southern boundary of the detrunked A47 in a westerly and then northerly direction to the new A47 Trunk Road, a distance of 209 metres.</p>
The rights of way and access plans – sheet 6			
Lingwood and Burlingham	Reference A7 See sheet 5		References D2, D3, D4, D5, D6, D7 See sheet 5
Beighton	Reference A8 Part of White House Lane	Reference A8 A length from its junction with the B1140 Coxhill Road in a north-easterly direction for a distance of 101 metres.	Reference D8, D9 To be substituted by the following lengths of new highway: <p>(a) Reference D8 from a point 101 metres north-east of the junction of White House</p>

			<p>Lane with the B1140 Coxhill Road in a south-westerly direction for a distance of 110 metres; and</p> <p>(b) Reference D9 from a point 64 metres north-west of the junction of White House Lane with the B1140 Coxhill Road in a south-easterly direction for a distance of 64 metres.</p>
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PART 3

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</i>	<i>(3) Extent of stopping up</i>	<i>(4) New private means of access to be substituted or provided</i>
The rights of way and access plans – sheet 1			
Blofield	Reference B4 (see inset A) Access to the Blofield Allotments and adjacent field from the southern boundary of the existing Waterlow, 48 metres east of its junction with Yarmouth Road.	Reference B4 (see inset A) The whole of the private access from a point 48 metres east of the junction of the existing Waterlow with Yarmouth Road eastwards for a distance of 11 metres	Reference C1 To be substituted by a new private access to the Blofield Allotments and adjacent field from the southern boundary of the realigned Waterlow from a point 53 metres east of its junction with Yarmouth Road in an easterly direction for a distance of 25 metres.
The rights of way and access plans – sheet 2			
Blofield	Reference B6 Agricultural access from the southern boundary of the	Reference B6 The whole of the private access from a point 485 metres east	Reference C4 New private means of access to agricultural land and infiltration

	detrunked A47, 485 metres east of High Noon Lane	of High Noon Lane eastwards for a distance of 8 metres	pond from the eastern end of the Access Road in an easterly direction for a distance of 251 metres (sheet 3) NOTE: the measurement given above is to the gate shown on the general arrangement plans sheet 3
The rights of way and access plans – sheet 3			
Blofield	Reference B7 Agricultural access from the southern boundary of the detrunked A47, 620 metres east of High Noon Lane	Reference B7 The whole of the private access from a point 620 metres east of High Noon Lane eastwards for a distance of 8 metres	Reference C4 New private means of access to agricultural land and infiltration pond from the eastern end of the Access Road in an easterly direction for a distance of 251 metres (Sheet 3) NOTE: the measurement given above is to the gate shown on the general arrangement plans sheet 3
Blofield	Reference B8 Agricultural access from the southern boundary of the detrunked A47, 946 metres east of High Noon Lane	Reference B8 The whole of the private access from a point 946 metres east of High Noon Lane eastwards for a distance of 10 metres	Reference C4 New private means of access to agricultural land from the eastern end of the Access Road in an easterly direction for a distance of 251 metres (Sheet 3) NOTE: the measurement given above is to the gate shown on the general arrangement plans sheet 3
Blofield	Reference B9 Agricultural access from the southern boundary of the detrunked A47, 1,127 metres east of High Noon Lane	Reference B9 The whole of the private access from a point 1,127 metres east of High Noon Lane eastwards for a distance of 10 metres	Reference C4 New private means of access to agricultural land from the eastern end of the Access Road in an easterly direction for a distance of 251 metres (Sheet 3) NOTE: the measurement given above is to the gate shown on the general

			arrangement plans sheet 3
The rights of way and access plans – sheet 4			
Lingwood and Burlingham	Reference B10 Agricultural access from the eastern boundary of Lingwood Road, 53 metres south of the junction of Lingwood Lane and the detrunked A47	Reference B10 The whole of the private access from a point 53 metres south of the junction of Lingwood Lane and the detrunked A47 southwards for a distance of 6 metres	Reference C4 New private means of access to agricultural land from the eastern end of the Access Road in an easterly direction for a distance of 1,337 metres (Sheet 4) NOTE: the measurement given above is to the gate shown on the general arrangement plans sheet 4
Blofield	Reference B11 Agricultural access from the southern boundary of the detrunked A47, 1,774 metres east of High Noon Lane	Reference B11 The whole of the private access from a point 1,774 metres east of High Noon Lane eastwards for a distance of 11 metres	Reference C4 New private means of access to agricultural land from the eastern end of the Access Road in an easterly direction for a distance of 1,337 metres (Sheet4) NOTE: the measurement given above is to the gate shown on the general arrangement plans sheet 4
Blofield	Reference B12 Agricultural access from the southern boundary of the detrunked A47, 2,004 metres east of High Noon Lane	Reference B12 The whole of the private access from a point 2,004 metres east of High Noon Lane eastwards for a distance of 6 metres	Reference C4 New private means of access to agricultural land from the eastern end of the Access Road in an easterly direction for a distance of 1,337 metres (Sheet 4) NOTE: the measurement given above is to the gate shown on the general arrangement plans sheet 4
The rights of way and access plans – sheet 5			
Blofield	Reference B13 Agricultural access from the southern boundary of the detrunked A47, 2,210 metres east of High Noon Lane	Reference B13 The whole of the private access from a point 2,210 metres east of High Noon Lane eastwards for a distance of 5 metres	Reference C4 New private means of access to agricultural land from the eastern end of the Access Road in an easterly direction for a distance

			of 1,337 metres (Sheet 4) NOTE: the measurement given above is to the gate shown on the general arrangement plans sheet 4
The rights of way and access plans – sheet 6			
Lingwood and Burlingham	Reference B18 Agricultural access on the north-western side of the junction of Acle Road with the B1140 Coxhill Road, 291 metres south-west of the junction of White House Lane with the new A47 Trunk Road	Reference B18 The whole of the private access from a point 291 metres south-west of the junction of White House Lane with the new A47 Trunk Road for a distance of 5 metres	Reference C5 (sheet 7) To be substituted by a new private access from the western boundary of Acle Road from a point 77 metres south west of the junction of White House Lane with the B1140 Coxhill Road south-westwards for a distance of 5 metres
Lingwood and Burlingham	None	None	Reference C6 New private means of access to agricultural land from the eastern boundary of White House Lane from a point 105 metres north-east of the junction of the White House Lane with B1140 Coxhill Road in a north-easterly direction for a distance of 5 metres.

PART 4

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

(1) Area	(2) Private means of access to be stopped up	(3) Extent of stopping up
The rights of way and access plans – sheet 1		
Blofield	Reference B1 Access to Plantation Park football fields to the south of the all-weather pitch from the northern boundary of the existing A47, 323 metres west of Yarmouth Road junction.	Reference B1 The whole of the private access from a point 323 metres west of Yarmouth Road junction eastwards for a distance of 10 metres.
Blofield	Reference B2 Access to the Plantation Park football fields from the	Reference B2 The whole of the private access from a point 193 metres west

	northern boundary of the existing A47, 193 metres west of Yarmouth Road junction.	of Yarmouth Road junction eastwards for a distance of 7 metres
Blofield	Reference B3 Access to the High Noon Lane private road from the northern boundary of the existing A47, 20 metres north of Yarmouth Road junction.	Reference B3 The whole of the private access from a point 20 metres north of Yarmouth Road junction eastwards for a distance of 27 metres
The rights of way and access plans – sheet 2		
Blofield	Reference B5 (see inset C) Agricultural access on the eastern side of the existing Waterlow from a point 297 metres from the junction of Waterlow and Yarmouth Road	Reference B5 (see inset C) The whole of the private access from a point 297 metres east of the existing Waterlow and Yarmouth Road junction, for a distance of 8 metres in a south-easterly direction.
The rights of way and access plans – sheet 6		
Lingwood and Burlingham	Reference B14 Agricultural access on the eastern side of the South Walsham Road, 21 metres north of its junction with the detrunked A47	Reference B14 The whole of the private access from a point 21 metres north of the junction with the detrunked A47 northwards for a distance of 8 metres
Lingwood and Burlingham	Reference B15 (see inset G) Agricultural access on the northern side of the stopped up (see reference A7) detrunked A47, 147 metres east of its junction with South Walsham Road	Reference B15 (see inset G) The whole of the private access from a point 147 metres east of the junction of South Walsham Road the detrunked A47 eastwards for a distance of 8 metres
Beighton	Reference B16 Agricultural access on the western side of White House Lane, 31 metres south of its junction with the new A47 Trunk Road	Reference B16 The whole of the private access from a point 31 metres south of the junction of White House Lane with the new A47 Trunk Road southwards for a distance of 14 metres
Beighton	Reference B17 Agricultural access on the western side of White House Lane, 148 metres south of its junction with the new A47 Trunk Road	Reference B17 The whole of the private access from a point 148 metres south of the junction of White House Lane with the new A47 Trunk Road southwards for a distance of 10 metres
The rights of way and access plans – sheet 8		
Acle	Reference B19 (see inset H) Agricultural access on the northern side of the A47 Trunk Road eastbound lay-by, 485 metres east of the junction of the A47 Trunk Road and South Walsham Road	Reference B19 (see inset H) The whole of the private access from a point 485 metres east of the junction of the A47 Trunk Road and South Walsham Road southwards for a distance of 10 metres

PART 5

ALTERATIONS TO PRIVATE MEANS OF ACCESS

(1) <i>Parish(es)</i>	(2) <i>Private means of access to be altered</i>
The rights of way and access plans – sheet 2	
Blofield	Reference C2 (see inset B) Modified access to the High Noon Lane private road 10 metres to the west of the southernmost point of High Noon Lane highway.
Blofield	Reference C3 Modified access to Atlantic Truck and Van Centre 44 metres east of High Noon Lane.

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 and restrictive covenants over land may be acquired</i>	(3) <i>Relevant part of the authorised development</i>
Land Plans – Sheet No. 1		
1/2d	Installation, maintenance and use of ducts, cables and apparatus for utilities and electronic communications operators. Right to pass and repass with or without plant and vehicles and including access to highways. To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.	Work No. 2
1/7	Installation, maintenance and use of ducts, cables and apparatus for utilities and electronic communications operators. Right to pass and repass with or without plant and vehicles and including access to highways. To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made	Work No. 2

	materially more difficult.	
1/10b	<p>Installation, maintenance and use of an intermediate pressure gas main together with associated infrastructure including marker posts and inspection chambers.</p> <p>Installation, maintenance and use of ducts, cables and apparatus for utilities and electronic communications operators.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	Work Nos. 5, 12
1/11a	<p>Diversion of an intermediate pressure gas main together with accesses to highways and associated infrastructure including marker posts and inspection chambers.</p> <p>Installation, maintenance and use of ducts, cables and apparatus for utilities and electronic communications operators.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	Work Nos. 5, 12
1/12b	<p>Installation, maintenance and use of an intermediate pressure gas main together with associated infrastructure including marker posts and inspection chambers.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive</p>	Work No. 5

	covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.	
Land Plans – Sheet No. 2		
2/1b	<p>Installation, maintenance and use of an intermediate pressure gas main together with associated infrastructure including marker posts and inspection chambers.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	Work No. 5
2/1c	<p>Installation, maintenance and use of an intermediate pressure gas main together with associated infrastructure including marker posts and inspection chambers.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	Work No. 5
2/2b	<p>Installation, maintenance and use of ducts, cables and apparatus for utilities and electronic communications operators.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made</p>	Work No. 2

	materially more difficult.	
2/3	<p>Installation, maintenance and use of ducts, cables and apparatus for utilities and electronic communications operators.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult .</p>	Work No. 2
2/4	<p>Installation, maintenance and use of ducts, cables and apparatus for utilities and electronic communications operators.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	Work Nos. 2, 12
2/5	<p>Installation, maintenance and use of ducts, cables and apparatus for utilities and electronic communications operators.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	Work No. 2
2/13a	<p>Installation, maintenance and use of an intermediate pressure gas main together with associated infrastructure including marker posts and inspection chambers.</p> <p>Right to pass and repass with</p>	Work No. 5

	<p>or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	
2/14a	<p>Installation, maintenance and use of an intermediate pressure gas main together with associated infrastructure including marker posts and inspection chambers.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	Work No. 5
2/17	<p>Installation, maintenance and use of ducts, cables and apparatus for utilities and electronic communications operators.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	Work Nos. 2, 8
2/17a	<p>Installation, maintenance and use of ducts, cables and apparatus for utilities and electronic communications operators.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent</p>	Work No. 2

	access to the installed apparatus being made materially more difficult.	
2/18c	<p>Installation, maintenance and use of ducts, cables and apparatus for utilities and electronic communications operators.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	Work No. 2
2/19b	<p>Installation, maintenance and use of an intermediate pressure gas main together with associated infrastructure including marker posts and inspection chambers.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	Work No. 5
Land Plans – Sheet No. 3		
3/2b	<p>Installation, maintenance and use of an intermediate pressure gas main together with associated infrastructure including marker posts and inspection chambers.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	Work No. 5
3/2c	Installation, maintenance and use of electricity distribution	Work No. 19

	<p>network cables.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	
3/2d	<p>Installation, maintenance and use of electricity distribution network cables.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	Work No. 20
3/4c	<p>Installation, maintenance and use of electricity distribution network cables.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	Work No. 19
3/7	<p>Installation, maintenance and use of an intermediate pressure gas main together with associated infrastructure including marker posts and inspection chambers.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made</p>	Work No. 5

	materially more difficult.	
Land Plans – Sheet No. 4		
4/2a	<p>Installation, maintenance and use of an intermediate pressure gas main together with associated infrastructure including marker posts and inspection chambers.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	Work No. 5
4/4	<p>Installation, maintenance and use of an intermediate pressure gas main together with associated infrastructure including marker posts and inspection chambers.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	Work No. 5
4/7d	<p>Installation, maintenance and use of an intermediate pressure gas main together with associated infrastructure including marker posts and inspection chambers.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	Work No. 5
4/7e	<p>Installation, maintenance and use of electricity distribution network cables.</p>	Work No. 24

	<p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	
Land Plans – Sheet No. 5		
5/1b	<p>Installation, maintenance and use of an intermediate pressure gas main together with associated infrastructure including marker posts and inspection chambers.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	Work No. 5
5/1d	<p>Installation, maintenance and use of an intermediate pressure gas main together with associated infrastructure including marker posts and inspection chambers.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	Work No. 5
5/1f	<p>Installation, maintenance and use of an intermediate pressure gas main together with associated infrastructure including marker posts and inspection chambers.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p>	Work No. 5

	To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.	
5/1g	<p>Installation, maintenance and use of an intermediate pressure gas main together with associated infrastructure including marker posts and inspection chambers.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	Work No. 5
5/5d	<p>Installation, maintenance and use of an intermediate pressure gas main together with associated infrastructure including marker posts and inspection chambers.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	Work No. 5
5/5f	<p>Installation, maintenance and use of an intermediate pressure gas main together with associated infrastructure including marker posts and inspection chambers.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed</p>	Work No. 5

	apparatus being made materially more difficult.	
5/6a	<p>Installation, maintenance and use of electricity distribution network cables.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	Work No. 28A
Land Plans – Sheet No. 6		
6/1h	<p>Installation, maintenance and use of electricity distribution network cables.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	Work No. 42
6/1i	<p>Installation, maintenance and use of an intermediate pressure gas main together with associated infrastructure including marker posts and inspection chambers.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	Work No. 5
6/1l	<p>Installation, maintenance and use of ducts, water pipes, cables and apparatus for utilities and electronic communications operators and including covenants for the protection of the installed apparatus.</p>	Work No. 31

	<p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	
6/2d	<p>Installation, maintenance and use of ducts, water pipes, cables and apparatus for utilities and electronic communications operators.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	Work No. 31
6/10a	<p>Installation of ducts, water pipes, cables and apparatus for utilities and electronic communications operators.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	Work Nos. 28, 31
6/10b	<p>Installation, maintenance and use of ducts, water pipes, cables and apparatus for utilities and electronic communications operators.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	Work No. 31
6/10c	<p>Works to the existing A47(T) east of North Burlingham, to</p>	Work Nos. 28, 31

	<p>connect to the new proposed junction with the B1140 classified road to the north of Work No. 1.</p> <p>Installation of ducts, water pipes, cables and apparatus for utilities and electronic communications operators and including restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	
6/14	<p>Installation, maintenance and use of electricity distribution network cables and potable water pipes.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	Work Nos. 42, 44
6/14b	<p>Installation, maintenance and use of electricity distribution network cables.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	Work No. 42
6/15a	<p>Installation maintenance and use of potable water pipes.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	Work No. 44

6/15b	<p>Installation, maintenance and use of electricity distribution network cables.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	Work No. 42
6/17	<p>Installation, maintenance and use of electricity distribution network cables.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	Work No. 42
Land Plans – Sheet No. 7		
7/1b	<p>Installation, maintenance and use of an intermediate pressure gas main together with associated infrastructure including marker posts and inspection chambers.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	Work No. 5
Land Plans – Sheet No. 8		
8/1	<p>Installation, maintenance and use of ducts, cables, potable water pipes and apparatus for utilities and electronic communications operators.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p>	Work No. 43

	To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.	
8/5a	Installation, maintenance and use of ducts, cables, potable water pipes and apparatus for utilities and electronic communications operators. Right to pass and repass with or without plant and vehicles and including access to highways. To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.	Work No. 43
8/6	Installation, maintenance and use of potable water pipes. Right to pass and repass with or without plant and vehicles and including access to highways. To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.	Work No. 44

SCHEDULE 6

Article 26

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

Compensation enactments

1. The enactments for the time being in force with respect to compensation for the compulsory purchase of land apply, with the necessary modifications as respects compensation, in the case of a compulsory acquisition under this Order of a right by the creation of a new right or imposition of a restrictive covenant as they apply in respect of compensation on 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 5(1) (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 1965 Act (as modified by paragraph 5(5) of Schedule 6 to the A47 Blofield to North Burlingham Development Consent Order [XX] (“the A47 Blofield to North Burlingham Order”));
 - (b) the acquiring authority is subsequently required by a determination under paragraph 12 of Schedule 2A to the 1965 Act (as substituted by paragraph 5(8) of Schedule 4 to the A47 Blofield to North Burlingham 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(b) (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 and imposition of restrictive covenants)—

- (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 restrictive covenant 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 or the imposition of the restrictive covenant but also to the damage (if any) to be sustained by the owner of the land by reason of its severance from other land of the owner, or injuriously affecting that other land by the exercise of the powers conferred by this or the Special Act.”

(a) 1973 c. 26.

(b) 2008 c. 29, section 125 as amended by paragraph 17, Schedule 16 of the Housing and Planning Act 2016 (c. 22).

(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(a)(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 restrictive covenant, 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(b) (powers of entry: further notices of entry). 11B(c) (counter-notice requiring possession to be taken on specified dated, 12(d) (unauthorised entry) and 13(e)(refusal to give possession to acquiring authority) of the 1965 Act are modified correspondingly.

(6) Section 20(f)(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 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—

“SCHEDULE 2A

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

Introduction

1.—(1) This Schedule applies where an undertaker 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 has 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 A47 Blofield to North

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- (a) 1965 c. 56. Section 11 was amended by section 34(1) of, and Schedule 4 to, the Acquisition of Land Act 1981 (c. 67), section 3 of, and part 1 of Schedule 1 to, the Housing (Consequential Provisions) Act 1985 (c. 71), section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), Section 103 of the Planning and Compulsory Purchase Act 2004 c. 5 and S.I. 2009/1307.
 - (b) 1956 c. 56. Section 11A was inserted by section 186(3) of the Housing and Planning Act 2016 (c. 22).
 - (c) 1956 c. 56. Section 11B was inserted by section 187(2) of the Housing and Planning Act 2016 (c. 22).
 - (d) 1956 c. 56. Section 12 was amended by section 56(2) of, and part of Schedule 9, to the Courts Act 1971 (c. 23).
 - (e) 1956 c. 56. Section 13 was amended by sections 62(3), 139(4) to (9) and 146 of, and paragraphs 27 and 28 of Schedule 13 and part 3 of Schedule 23 to, the Tribunal, Courts and Enforcement Act 2007 (c. 15).
 - (f) 1956 c. 56. Section 20 was amended by paragraph 4 of Schedule 15 to the Planning and Compensation Act 1991 (c. 34) and S.I. 2009/1307.

Burlingham Development Consent Order [XX] 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 A47 Blofield to North Burlingham Development Consent Order [XX] 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 undertaker 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 undertaker 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 undertaker decides to refer the counter-notice to the Upper Tribunal it must do so within the decision period.

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

9. If the undertaker serves notice of a decision to accept the counter-notice, the compulsory purchase order and the notice to treat are to have effect as if they are 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 or 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 undertaker 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 undertaker 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 undertaker 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

(1) <i>Location</i>	(2) <i>Plot Reference</i>	(3) <i>Purpose for which temporary possession may be taken</i>	(4) <i>Relevant part of the authorised development</i>
Land plans – Sheet No. 1			
Norfolk County Council, Parish of Blofield	1/3a	Required to facilitate alteration of the A47 and to provide temporary storage, laydown areas, access and working space. Also required to facilitate Installation of ducts, cables and apparatus for utilities and electronic communications operators to the east of Blofield; and to facilitate diversion underground of 11kV overhead electricity distribution network cable.	Work Nos. 1, 2, 3
Norfolk County Council, Parish of Blofield	1/3b	Required to facilitate alteration of the A47 and to provide temporary storage, laydown areas, access and working space. Also required to facilitate Installation of ducts, cables and apparatus for utilities and electronic communications operators; and to facilitate Diversion underground of	Work Nos. 1, 2, 3

		11kV overhead electricity distribution network cable.	
Norfolk County Council, Parish of Blofield	1/4b	Required to facilitate alteration of the A47 and to provide temporary storage, laydown areas, access and working space. Also required to facilitate Installation of ducts, cables and apparatus for utilities and electronic communications operators; and to facilitate Diversion underground of 11kV overhead electricity distribution network cable	Work Nos. 1, 2, 3
Norfolk County Council, Parish of Blofield	1/4c	Required to facilitate alteration of the A47 and to provide temporary storage, laydown areas, access and working space. Also required to facilitate Installation of ducts, cables and apparatus for utilities and electronic communications operators; and to facilitate Diversion underground of 11kV overhead electricity distribution network cable	Work Nos. 1, 2
Norfolk County Council, Parish of Blofield	1/7a	Required to facilitate alteration of the A47 and to provide temporary storage, laydown areas and working space. Also required to facilitate Installation of ducts, cables and apparatus for utilities and electronic communications operators; and to facilitate Diversion underground of 11kV overhead electricity distribution network cable	Work Nos. 1, 2
Norfolk County Council, Parish of Blofield	1/9a	Required to facilitate alteration of the A47 and to provide temporary storage, laydown areas, access and working space. Also required to facilitate a diversion of an intermediate pressure gas main.	Work Nos. 1, 4, 5, 12
Norfolk County Council, Parish of	1/9b	Required to facilitate alteration of the A47 and	Work Nos 1, 4

Blofield		to provide temporary storage, laydown areas, access and working space.	
Norfolk County Council, Parish of Blofield	1/12a	Required to facilitate diversion of an intermediate pressure gas main together and to provide temporary storage laydown areas, working space and access	Work Nos. 5, 7
Norfolk County Council, Parish of Blofield	1/13	Required to facilitate alteration of the A47 and to provide temporary access and working space. Also required to facilitate a diversion underground of 11kV overhead electricity distribution network cable.	Work Nos. 1, 3, 4
Norfolk County Council, Parish of Blofield	1/14	Required to facilitate alteration of the A47 and to provide temporary access and working space. Also required to facilitate a diversion underground of 11kV overhead electricity distribution network cable.	Work Nos. 1, 3, 4
Norfolk County Council, Parish of Blofield	1/15	Required to facilitate alteration of the A47 and to provide temporary access and working space. Also required to facilitate a diversion underground of 11kV overhead electricity distribution network cable.	Work Nos. 1, 3, 4
Norfolk County Council, Parish of Blofield	1/16	Required to facilitate alteration of the A47 and to provide temporary access and working space. Also required to facilitate a diversion underground of 11kV overhead electricity distribution network cable.	Work Nos. 1, 3
Land plans – Sheet No. 2			
Norfolk County Council, Parish of Lingwood and Burlingham	2/1a	Required to facilitate alteration of the A47 and to provide temporary storage, laydown areas, access and working space. Also required to facilitate a diversion of an intermediate pressure gas main.	Work Nos. 1, 5, 7, 10, 12

		And required to facilitate Installation of ducts, cables and apparatus for utilities and electronic communications cables.	
Norfolk County Council, Parish of Lingwood and Burlingham	2/1d	Required to facilitate a diversion of an intermediate pressure gas main and to provide temporary storage laydown areas, working space and access	Work No. 5
Norfolk County Council, Parish of Blofield	2/1e	Required to facilitate a diversion of an intermediate pressure gas main and to provide temporary storage laydown areas, working space and access	Work No. 5
Norfolk County Council, Parish of Blofield	2/3a	Required to facilitate alteration of the A47 and to provide temporary storage, laydown areas, access and working space. Also required to facilitate installation of ducts, cables and apparatus for utilities and electronic communications operators.	Work Nos. 1, 2, 12
Norfolk County Council, Parish of Blofield	2/3b	Required to facilitate alteration of the A47 and to provide temporary storage, laydown areas, access and working space. Also required to facilitate installation of ducts, cables and apparatus for utilities and electronic communications operators.	Work Nos. 1, 2, 12
Norfolk County Council, Parish of Blofield	2/3c	Required to facilitate alteration of the A47 and to provide temporary storage, laydown areas, access and working space. Also required to facilitate installation of ducts, cables and apparatus for utilities and electronic communications operators.	Work Nos. 1, 2, 12
Norfolk County Council, Parish of Blofield	2/5a	Required to facilitate alteration of the A47 and to provide temporary storage, laydown areas,	Work Nos. 1, 2, 12

		access and working space. Also required to facilitate installation of ducts, cables and apparatus for utilities and electronic communications operators.	
Norfolk County Council, Parish of Blofield	2/13b	Required to facilitate installation of water pipes ducts, cables and apparatus for utilities and electronic communications cables. Also required to facilitate Infiltration pond, soakaways and associated drainage, drivable swale and maintenance access track, and to provide temporary laydown areas, working space and access.	Work Nos. 8, 13
Norfolk County Council, Parish of Blofield	2/14b	Required to facilitate a diversion of an intermediate pressure gas main and to provide temporary storage laydown areas, working space and access.	Work No. 5
Norfolk County Council, Parish of Blofield	2/18	Required to facilitate installation of, ducts, cables and apparatus for utilities and electronic communications cables. Also required to provide temporary laydown areas, working space and access for the purposes of adjoining works.	Work Nos 2, 9
Norfolk County Council, Parish of Blofield	2/19a	Required to facilitate a temporary construction compound.	Work Nos. 1-44
Land plans – Sheet No. 3			
Norfolk County Council, Parish of Lingwood and Burlingham	3/2a	Required to facilitate a temporary construction compound . Also required to facilitate diversion underground of electricity distribution network cables underground	Work nos. 1-44
Norfolk County Council, Parish of Lingwood and Burlingham	3/4	Required to facilitate works to adjoining street and to provide temporary laydown areas, working space and work access.	Work No. 17A
Norfolk County	3/4a	Required to facilitate	Work No. 17A

Council, Parish of Lingwood and Burlingham		works to adjoining street and to provide temporary laydown areas, working space and work access.	
Norfolk County Council, Parish of Lingwood and Burlingham	3/4b	Required to facilitate works to adjoining street and to provide temporary laydown areas, working space and work access.	Work No 17A
Norfolk County Council, Parish of Lingwood and Burlingham	3/4d	Required to facilitate works to adjoining street and to provide temporary laydown areas, working space and work access. Also required to facilitate a diversion underground of electricity distribution network cable.	Work Nos. 17A, 19
Land plans – Sheet No. 4			
Norfolk County Council, Parish of Lingwood and Burlingham	4/7c	Required to facilitate a diversion of an intermediate pressure gas main and to provide temporary storage laydown areas, working space and access. Also required to facilitate works to adjacent streets and new roads.	Work Nos 1, 5, 14A 14B, 21 and 23
Norfolk County Council, Parish of Lingwood and Burlingham	4/9	Required to facilitate works to adjoining street and to provide temporary laydown areas, working space and work access. Also required to facilitate installation of ducts, cables and apparatus for utilities and electronic communications operators and potable water pipes.	Work Nos. 17A and 22
Land plans – Sheet No. 5			
Norfolk County Council, Parish of Lingwood and Burlingham	5/1a	Required to facilitate alteration of the A47 and to provide temporary storage, laydown areas, access and working space. Also required to facilitate cycle track, access track, soakaway, drivable swale and diversion of existing permissive equestrian and walking route and to facilitate construction for highway turning head on Lingwood Lane, Required for temporary	Work Nos 1-44

		compound.	
Norfolk County Council, Parish of Lingwood and Burlingham	5/1c	Required to facilitate alteration of the A47 and to provide temporary storage, laydown areas, access and working space. Also required to facilitate cycle track, access track, soakaway, drivable swale and diversion of existing permissive equestrian and walking route and to facilitate construction for highway turning head on Lingwood Lane, Required for temporary compound.	Work Nos 1-44
Norfolk County Council, Parish of Lingwood and Burlingham	5/5a	Required for Temporary compound.	Work Nos 1-44
Land plans – Sheet No. 6			
Norfolk County Council, Parish of Lingwood and Burlingham	6/1a	Required for Temporary compound	Work Nos. 1-44
Norfolk County Council, Parish of Lingwood and Burlingham	6/1c	Required to facilitate works to neighbouring land to provide temporary compound.	Work Nos. 1-44
Norfolk County Council, Parish of Lingwood and Burlingham	6/1f	Required to facilitate improvements to neighbouring street.	Work No. 29
Norfolk County Council, Parish of Lingwood and Burlingham	6/1g	Required to facilitate works to neighbouring land to provide temporary compound.	Work Nos 1-44
Norfolk County Council, Parish of Lingwood and Burlingham	6/1j	Required to facilitate a diversion of an intermediate pressure gas main and to provide temporary storage laydown areas, working space and access. Also required to facilitate a soakaway and associated access and works to adjoining streets.	Work Nos. 5, 35, 41
Norfolk County Council, Parish of Lingwood and Burlingham	6/2a	Required to facilitate installation of ducts, water pipes, cables and apparatus for utilities and electronic communications operators and to provide temporary	Work No. 31

		lay down areas, working space and work access.	
Norfolk County Council, Parish of Lingwood and Burlingham	6/2c	Required to facilitate installation of ducts, water pipes, cables and apparatus for utilities and electronic communications operators and to provide temporary lay down areas, working space and work access. Also required to facilitate improvements to neighbouring street.	Work Nos. 29, 31
Norfolk County Council, Parish of Beighton	6/6	Required to carry out works to form an new street on adjoining land and to provide temporary lay down areas, working space and work access.	Work No. 35
Norfolk County Council, Parish of Beighton	6/9	Required to facilitate installation of ducts, water pipes, cables and apparatus for utilities and electronic communications operators and to provide temporary lay down areas, working space and work access. Also required to facilitate improvements to neighbouring street.	Work No 31, 40
Land plans – Sheet No. 7			
Norfolk County Council, Parish of Lingwood and Burlingham	7/1	Required to facilitate a soakaway and to provide temporary storage laydown areas, working space and access.	Work No. 41
Norfolk County Council, Parish of Beighton	7/3	Required to facilitate works to adjoining street and to provide temporary storage laydown areas, working space and access.	Work No. 35
Norfolk County Council, Parish of Beighton	7/3a	Required to facilitate works to adjoining street and to provide temporary storage laydown areas, working space and access.	Work No. 35
Norfolk County Council, Parish of Beighton	7/5a	Required to facilitate works to adjoining street and to provide temporary storage laydown areas, working space and access.	Work No. 35
Land plans – Sheet No. 8			
Norfolk County Council, Parish of	8/5	Required to facilitate alteration of the A47 and	Work Nos. 1, 43

Acle		to provide temporary storage, laydown areas, access and working space. Also required to facilitate diversion of utility apparatus.	
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SCHEDULE 8

Article 38

REMOVAL OF HEDGEROWS

(1) <i>Location of hedgerow</i>	(2) <i>Relevant part of the authorised development</i>	(3) <i>Important hedgerow</i>
Shown as H1 on sheets 1 and 2 of the hedgerow plan: hedgerow south of Yarmouth Road, within Blofield Allotments, Blofield.	Work Nos. 5, 6 and 12	No
Shown as H2 on sheets 1 and 2 of the hedgerow plan: hedgerow west of Waterlow, within Blofield Allotments, Blofield.	Work No. 5, 6 and 12	No
Shown as H3 on sheet 2 of the hedgerow plan: hedgerow west of Waterlow, within Blofield Allotments, Blofield.	Work No. 5, 6 and 12	No
Shown as H4 on sheet 2 of the hedgerow plan: hedgerow west of Waterlow, on the eastern boundary of Blofield Allotments, Blofield.	Work No. 5, 6 and 12	Yes
Shown as H5 on sheet 2 of the hedgerow plan: hawthorn being the main species, parallel to and north of the A47 and south of High Noon Lane, Blofield.	Work Nos. 1, 2, 9 and 12	No
Shown as H6 on sheet 2 of the hedgerow plan: species poor hedgerow parallel to and south of the A47 and north of Waterlow, Blofield.	Work Nos. 1, 7 and 12	No
Shown as H7 on sheet 2 of the hedgerow plan: species poor hedgerow which is dominated by hybrid poplar south of the A47 and west of Waterlow, Blofield.	Work Nos. 5, 6, 7, 10 and 12	Yes
Shown as H8 on sheet 2 of the hedgerow plan: species rich intact hedgerow comprising mainly hawthorn and blackthorn on the south side of the existing A47 and east of Waterlow, Blofield.	Work No. 13	Yes
Shown as H9 on sheet 3 of the hedgerow plan: isolated species poor hedgerow	Work No. 19	Yes

surrounded by arable with a species poor margin including false oat and common couch grass, south of the A47 and west of Lingwood Road.		
Shown as H10 on sheet 4 of the hedgerow plan: Species rich hedge with false oat and Yorkshire fog abundant margins including Lucerne and bird's foot trefoil on the eastern side of this hedge, separating arable fields perpendicular to existing A47, south of the A47 and west of Lingwood Road.	Work Nos. 1, 23 and 24	Yes
Shown as H11 on sheet 5 of the hedgerow plan: including a margin with common couch, perennial rye grass, false oat grass and several forbs, parallel to the existing A47 south of the existing A47 and west of Lingwood Lane.	Work No. 23	Yes
Shown as H12 on sheet 5 of the hedgerow plan: species rich hedgerow located south of the A47 on the west side of Lingwood Lane.	Work No. 1, 23, 25 and 27	Yes
Shown as H13 on sheet 5 of the hedgerow plan: species poor hedge as it includes less than five woody species, located south of the A47 on the eastern side of Lingwood Lane, bordering an area of arable to the east.	Work Nos. 1, 25 and 27	Yes
Shown as H14 on sheet 6 of the hedgerow plan: species poor hedgerow with no standards located north of the A47 between Main Road and west of South Walsham Road, North Burlingham.	Work Nos. 28 and 31	No

SCHEDULE 9

PROTECTIVE PROVISIONS

Articles 36 and 47

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 alternative apparatus adequate to enable the utility undertaker in question to fulfil its statutory functions in a manner no less efficient than previously;

“apparatus” means—

- (a) in the case of an electricity undertaker, electric lines or electrical plant (as defined in the Electricity Act 1989(a), belonging to or maintained by that utility undertaker;
- (b) in that 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 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 (agreement to adopt sewers, drains 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” include 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—

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- (a) 1989 C. 29. The definition of “electricity plant” (in section 64) was amended by paragraphs 24 and 38(1) and (3) of Schedule 6 to the Utilities Act 2000 (c.27).
 - (b) 1986 c. 44. A new section 7 was substituted by section 5 of the Gas Act 1995 (c. 45), and was further amended by sections 3(2) and 76 of, and paragraphs 1 and 4 of Schedule 6, and Schedule 8 to the Utilities Act 2000 (c. 27), sections 1459(1) and (5) and 197(9) of, and part 1 of Schedule 23 to, the Energy Act 2004 (c. 20) and S.I. 2011/2704.
 - (c) 1991 c. 56.
 - (d) 1991 c. 56. Section 102(4) was amended by section 96(1)(1)(c) of the Water Act 2003 (c. 37). Section 104 was amended by sections 96(4) and 101(23) of, part 3 of Schedule 9 to, the Water Act 2003 and section 42(3) of the Flood and Water Management Act 2010 (c. 29).

- (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
- (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 17 (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 16 (temporary alteration, diversion 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 work 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 (5).

(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 49 (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 49 (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.

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 49 (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 subparagraph (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 (5) 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, or involve embankment works within 10 metres of any electricity apparatus, the plan to be submitted to the utility undertaker under subparagraph (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 49 (arbitration) to be necessary, then, if such placing involves cost in the construction of works under this Part of this Schedule exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to the 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, 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 laid or erected 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);

“the code rights” has the same meaning as in paragraph 3 of the electronic communications code;

“electronic communications apparatus” has the same meaning as in the electronic communications code;

“the electronic communications code” has the same meaning as in Chapter 1 (electronic communications, networks and services) of Part 2 of the 2003 Act(b);

“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 (application of the electronic communications code) 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;

“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(2) of that code; 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 (undertakers’ works affecting electronic communications apparatus) of Schedule 3A of the 2003 Act.

17.—(1) Subject to sub-paragraphs (2) and (4), if as the 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 reasonable 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

(a) 2003 c. 21.

(b) 2003 c. 21. See section 106 of the 2003 Act.

undertaker which, if it withholds such consent, has the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand.

(4) Any difference arising between the undertaker and the operator under this Part of this Schedule must be referred to and settled by arbitration under article 49 (arbitration).

(5) 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 damage, or any interruption, caused by electro-magnetic interference arising from the construction or use of the authorised development.

(6) 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 ANGLIAN WATER

Application

18. For the protection of Anglian Water, the following provisions have effect, unless otherwise agreed in writing between the undertaker and Anglian Water.

Interpretation

19. In this part of this Schedule –

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

“alternative apparatus” means alternative apparatus adequate to enable Anglian Water to fulfil its statutory functions in a manner no less efficient than previously;

“Anglian Water” means Anglian Water Services Limited;

“apparatus” means—

- (a) works, mains, pipes or other apparatus belonging to or maintained by Anglian Water for the purposes of water supply and sewerage;
- (b) any drain or works vested in Anglian Water under The Water Industry Act 1991,
- (c) any sewer which is so vested or is the subject of a notice of intention to adopt given under section 102(4) of that Act or an agreement to adopt made under section 104 of that Act; and
- (d) includes a sludge main, disposal main or sewer outfall and any manholes, ventilating shafts, pumps or other accessories forming part of any such sewer, drain or works, and includes any structure in which apparatus is or is to be lodged or which gives or will give access to apparatus

and for the purpose of this definition, where words are defined by section 219 of the Water Industry Act 1991 they shall be taken to have the same meaning.

“functions” includes powers and duties

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

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

On street apparatus

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

Apparatus in stopped up streets

21.—(1) Where any street is stopped up under article 17 (permanent stopping up and restriction of use of streets and private means of access), where Anglian Water has apparatus in the street or accessed by virtue of that street, it has the same powers and rights in respect of that apparatus as it enjoyed immediately before the stopping up and the undertaker must grant to Anglian Water legal easements reasonably satisfactory to Anglian Water in respect of such apparatus and access to it, but nothing in this paragraph affects any right of the undertaker or of Anglian Water to require the removal of that apparatus under paragraph 24 or the power of the undertaker to carry out works under paragraph 26.

(2) Regardless of the temporary stopping up or diversion of any highway under the powers conferred by article 16 (temporary alteration, diversion, prohibition and restriction of the use of streets), Anglian Water is at liberty at all times to take all necessary access across any such stopped up highway and to execute and do all such works and things in, upon or under any such highway as may be reasonably necessary or desirable to enable it to maintain any apparatus which at the time of the stopping up or diversion was in that highway.

Protective works to buildings

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

Acquisition of land

23. 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

24.—(1) If, in the exercise of the powers conferred by this Order, the undertaker acquires any interest in any land in which any apparatus is placed or requires that Anglian Water's apparatus is relocated or diverted, that apparatus must not be removed under this Part of this Schedule, and any right of Anglian Water to maintain that apparatus in that land must not (without the prior written consent of Anglian Water) be extinguished, until:

- (a) alternative apparatus has been constructed and is in operation to the reasonable satisfaction of Anglian Water in accordance with sub-paragraphs (2) to (8); and
- (b) facilities and rights have been secured for that alternative apparatus in accordance with paragraph 25.

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

(3) If alternative apparatus or any part of such apparatus is to be constructed elsewhere than in other land of the undertaker, or the undertaker is unable to afford such facilities and rights as are

mentioned in sub-paragraph (2) in the land in which the alternative apparatus or part of such apparatus is to be constructed Anglian Water must, on receipt of a written notice to that effect from the undertaker, as soon as reasonably possible use its best endeavours to obtain the necessary facilities and rights in the land in which the alternative apparatus is to be constructed.

(4) Any alternative apparatus to be constructed in land of the undertaker under this Part of this Schedule must be constructed in such manner and in such line or situation as may be agreed between Anglian Water and the undertaker or in default of agreement settled by arbitration in accordance with article 49 (arbitration).

(5) Anglian Water must, after the alternative apparatus to be provided or constructed has been agreed or settled by arbitration in accordance with article 49 (arbitration), and after the grant to Anglian Water of any such facilities and rights as are referred to in sub-paragraphs (2) or (3), proceed without unnecessary delay to construct and bring into operation the alternative apparatus and subsequently to remove any apparatus required by the undertaker to be removed under the provisions of this Part of this Schedule.

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

(7) Notice under sub-paragraph (6) that Anglian Water desires the undertaker to execute any work, or part of any work, must be given within 14 days of agreement under sub-paragraph (4) or, in default of agreement, within 14 days of the date of settlement by arbitration under sub-paragraph (4).

(8) If Anglian Water fails either reasonably to approve, or to provide reasons for its failure to approve along with an indication of what would be required to make acceptable, any proposed details relating to required removal works under sub-paragraph (2) within 28 days of receiving a notice of the required works from the undertaker, then such details are deemed to have been approved. For the avoidance of doubt, any such “deemed consent” does not extend to the actual undertaking of the removal works, which shall remain the sole responsibility of Anglian Water or its contractors.

(9) Whenever alternative apparatus is to be or is being substituted for existing apparatus, the undertaker shall, before taking or requiring any further step in such substitution works, use best endeavours to comply with Anglian Water’s reasonable requests for a reasonable period of time to enable Anglian Water to:

- (a) make network contingency arrangements; or
- (b) bring such matters as it may consider reasonably necessary to the attention of end users of the utility in question.

Facilities and rights for alternative apparatus

25.—(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 Anglian Water or in default of agreement settled by arbitration in accordance with article 49 (arbitration).

(2) If the facilities and rights to be afforded by the undertaker in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted, are in the opinion of the arbitrator less favourable on the whole to Anglian Water than the facilities and rights enjoyed by it in respect of the apparatus to be removed and the terms and conditions to which those facilities and rights are subject, the arbitrator must make such provision

for the payment of compensation by the undertaker to Anglian Water as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case.

(3) Such facilities and rights as are set out in this paragraph are deemed to include any statutory permits granted to the undertaker in respect of the apparatus in question, whether under the Environmental Permitting Regulations 2010 or other legislation.

Retained apparatus

26.—(1) Not less than 28 days before starting the execution of any works in, on or under any land purchased, held, appropriated or used under this Order that are near to, or will or may affect, any apparatus (or any means of access to it) the removal of which has not been required by the undertaker under paragraph 24(2), the undertaker must submit to Anglian Water a plan of the works to be executed.

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

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

(4) If Anglian Water in accordance with sub-paragraph (3) and in consequence of the works proposed by the undertaker, reasonably requires the removal of any apparatus and gives written notice to the undertaker of that requirement, sub-paragraphs (1) to (3) and (6) to (8) apply as if the removal of the apparatus had been required by the undertaker under paragraph 24(2).

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

(6) The undertaker is not required to comply with sub-paragraph (1) in a case of emergency but in that case must give to Anglian Water notice as soon as is reasonably practicable and a plan of those works as soon as reasonably practicable subsequently and must comply with sub-paragraph (3) in so far as is reasonably practicable in the circumstances and will keep the impact of those emergency works on Anglian Water's apparatus, on the operation of its water and sewerage network and on end-users of the services Anglian Water provides to a minimum.

(7) For the purposes of sub-paragraph (1), works are deemed to be in land near Anglian Water's apparatus (where it is a pipe) if those works fall within the following distances measured from the medial line of such apparatus:

- (a) 2.25 metres where the diameter of the pipe is less than 150 millimetres;
- (b) 3 metres where the diameter of the pipe is between 150 and 450 millimetres
- (c) 4.5 metres where the diameter of the pipe is between 451 and 750 millimetres; and
- (d) 6 metres where the diameter of the pipe exceeds 750 millimetres.

Expenses and costs

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

(2) There must be deducted from any sum payable under subparagraph (1) the value of any apparatus removed under the provisions of this Part of this Schedule 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 49 (arbitration) to be necessary, then, if such placing involves cost in the construction of works under this Part of this Schedule exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to Anglian Water by virtue of 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 is not to be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and
- (b) where the provision of a joint in a pipe or cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole is to be treated as if it also had been agreed or had been so determined.

(5) An amount which apart from this sub-paragraph would be payable to Anglian Water in respect of works by virtue of sub-paragraph (1), if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on Anglian Water any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, is to be reduced by the amount which represents that benefit.

28.—(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 22 or 24(2), or by reason of any subsidence resulting from such development or works, any damage is caused to any apparatus or alternative apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works) or property of Anglian Water, or there is any interruption in any service provided, or in the supply of any goods, by Anglian Water, the undertaker must—

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

(2) The fact that any act or thing may have been done by Anglian Water on behalf of the undertaker or in accordance with a plan approved by Anglian Water or in accordance with any requirement of Anglian Water or under its supervision does not, subject to sub-paragraph (3), excuse the undertaker from liability under the provisions of sub-paragraph (1) unless Anglian Water fails to carry out and execute the works properly with due care and attention and in a skilful and professional like manner or in a manner that does not accord with the approved plan.

(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 Anglian Water, its officers, servants, contractors or agents.

(4) Anglian Water must give the undertaker reasonable notice of any such claim or demand and no settlement or compromise is to be made, without the consent of the undertaker (such consent not to be unreasonably withheld or delayed) who, if withholding such consent, has the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand.

Cooperation

29. Where in consequence of the proposed construction of any of the authorised development, the undertaker or Anglian Water requires the removal of apparatus under paragraph 24(2) or Anglian Water makes requirements for the protection or alteration of apparatus under subparagraph (9), the undertaker must use all reasonable endeavours to co-ordinate the execution of the works in the interests of safety and the efficient and economic execution of the authorised development and taking into account the need to ensure the safe and efficient operation of Anglian Water's undertaking and Anglian Water must use all reasonable endeavours to co-operate with the undertaker for that purpose.

30. Where the undertaker identifies any apparatus which may belong to or be maintainable by Anglian Water but which does not appear on any statutory map kept for the purpose by Anglian Water, it shall inform Anglian Water of the existence and location of the apparatus as soon as reasonably practicable.

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

32. Any time period in which an action must be taken in this part of the Schedule may be amended by written agreement between the undertaker and Anglian Water.

PART 4

FOR THE PROTECTION OF CADENT

Application

33. For the protection of Cadent the following provisions will, unless otherwise agreed in writing between the undertaker and Cadent, have effect.

Interpretation

34. In this Part of this Schedule—

“alternative apparatus” means appropriate alternative apparatus to the reasonable satisfaction of Cadent to enable Cadent to fulfil its statutory functions in a manner no less efficient than previously;

“apparatus” means any gas mains, pipes, pressure governors, ventilators, cathodic protections, cables or other apparatus belonging to or maintained by Cadent for the purposes of Cadent's undertaking together with any replacement apparatus and such other apparatus constructed pursuant to this Order that becomes operational apparatus of Cadent for the purposes of Cadent's undertaking and includes any structure in which apparatus is or will be lodged or which gives or will give access to apparatus;

“authorised development” shall have the same meaning as in the Order;

“Cadent” means Cadent Gas Limited and includes its successors in title or any successor as a gas transporter within the meaning of Part 1 of the Gas Act 1986;

“Cadent's undertaking” means the rights, duties and obligations of Cadent Gas Limited as a public gas transporter within the meaning of Section 7 of the Gas Act 1986 (as amended by the Gas Act 1995);

“commence” has the same meaning as in article 2(1) of the Order and “commencement” shall be construed to have the same meaning save that for the purposes of this Part of the Schedule the terms “commence” and “commencement” include any below ground surveys, monitoring, work operations, remedial work in respect of any contamination or other adverse ground conditions, the receipt and erection of construction plant and equipment, and non-intrusive investigations for the purpose of assessing ground conditions;

“deed of consent” means a deed of consent, crossing agreement, deed of variation or new deed of grant agreed between the parties acting reasonably in order to vary or replace existing easements, agreements, enactments and other such interests so as to secure land rights and interests as are necessary to carry out, maintain, operate and use the apparatus in a manner consistent with the terms of this Part of this Schedule;

“facilities and rights” for construction and for maintenance include any appropriate working areas required to reasonably and safely undertake that construction or maintenance, and any necessary rights of access;

“functions” includes powers and duties;

“ground mitigation scheme” means a scheme approved by Cadent (such approval not to be unreasonably withheld or delayed) setting out the necessary measures (if any) for a ground subsidence event;

“ground monitoring scheme” means a scheme for monitoring ground subsidence which sets out the apparatus which is to be subject to such monitoring, the extent of land to be monitored, the manner in which ground levels are to be monitored, the timescales of any monitoring activities and the extent of ground subsidence which, if exceeded, requires the undertaker to submit for Cadent’s approval a ground mitigation scheme;

“ground subsidence event” means any ground subsidence identified by the monitoring activities set out in the ground monitoring scheme that has exceeded the level described in the ground monitoring scheme as requiring a ground mitigation scheme;

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

“maintain” and “maintenance” for the purposes of this Part of the Schedule will have effect as if Cadent’s existing apparatus was authorised development and as if the term maintain includes protect and use, improve, landscape, preserve, decommission, refurbish or replace;

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

“rights” includes restrictive covenants and, in relation to decommissioned apparatus, the surrender of rights, release of liabilities and transfer of decommissioned apparatus; and

“specified works” means any of the authorised development or activities (including maintenance) undertaken in association with the authorised development which—

- (a) will or may be situated over, or within 15 metres measured in any direction of any apparatus the removal of which has not been required by the undertaker under sub-paragraph 38(2) (removal of apparatus) or otherwise; or
- (b) may in any way adversely affect any apparatus the removal of which has not been required by the undertaker under sub-paragraph 38(2) (removal of apparatus) or otherwise.

On Street apparatus

35.—(1) This Part of this Schedule does not apply to apparatus in respect of which the relations between the undertaker and Cadent are regulated by the provisions of Part 3 (street works in England and Wales) of the 1991 Act, except for—

- (a) paragraphs 35 (apparatus of Cadent in stopped up streets), 40 (retained apparatus: protection of Cadent), 41 (expenses) and 42 (indemnity); and
- (b) where sub-paragraph (2) applies, paragraphs 38 (removal of apparatus) and 39 (facilities and rights for alternative apparatus).

(2) This sub-paragraph applies where any apparatus is diverted from an alignment within the existing adopted public highway but not wholly replaced within the existing adopted public highway, notwithstanding that any diversion may be carried out under the provisions of Part 3 of the 1991 Act.

(3) Paragraph 41 does 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 Cadent in such proportions as may be prescribed by any such regulations.

Apparatus of Cadent in stopped up streets

36.—(1) Where any street is stopped up under article 17 (permanent stopping up and restriction of use of streets and private means of access), if Cadent has any apparatus in the street or accessed via that street Cadent is entitled to the same rights in respect of such apparatus as it enjoyed immediately before the stopping up and the undertaker must grant to Cadent, or procure the granting to Cadent of, legal easements reasonably satisfactory to Cadent in respect of such apparatus and access to it prior to the stopping up of any such street or highway, but nothing in this paragraph shall affect any right of the undertaker or of Cadent to require the removal of that apparatus under paragraph 38 (removal of apparatus).

(2) Notwithstanding the temporary alteration, diversion or restriction of use of any street under the powers of article 16 (temporary alteration, diversion, prohibition and restriction of use of streets), Cadent will be at liberty at all times to take all necessary access across any such street and to execute and do all such works and things in, upon or under any such street as it would have been entitled to do immediately before such temporary alteration, diversion or restriction of use in respect of any apparatus which at the time of the stopping up or diversion was in that street.

Protective works to buildings

37. The undertaker must exercise the powers conferred by article 21 (protective work to buildings) so as not to obstruct or render less convenient the access to any apparatus without the written consent of Cadent (such consent not to be unreasonably withheld or delayed)

Acquisition of land

38.—(1) Regardless of any provision in this Order or anything shown on the land plans or contained in the book of reference to the Order, the undertaker may not appropriate or acquire any interest in land or appropriate, acquire, extinguish, interfere with or override any easement or other interest in land of Cadent otherwise than by agreement.

(2) As a condition of agreement between the parties in sub-paragraph (1), prior to the carrying out or maintenance of any part of the authorised development (or in such other timeframe as may be agreed between Cadent and the undertaker) that is subject to the requirements of this Part of this Schedule that will cause any conflict with or breach the terms of any easement or other legal or land interest of Cadent or affect the provisions of any enactment or agreement regulating the relations between Cadent and the undertaker in respect of any apparatus laid or erected in land belonging to or secured by the undertaker, the undertaker must as Cadent reasonably requires enter into such deeds of consent upon such terms and conditions as may be agreed between Cadent and the undertaker acting reasonably and which must be no less favourable on the whole to Cadent unless otherwise agreed by Cadent, and it will be the responsibility of the undertaker to procure or secure the consent to and entering into of such deeds and variations by all other third parties with an interest in the land at that time who are affected by such authorised development or maintenance thereof.

(3) The undertaker and Cadent agree that where there is any inconsistency or duplication between the provisions set out in this Part of this Schedule relating to the relocation or removal of apparatus, including but not limited to the payment of costs and expenses relating to such relocation or removal of apparatus and the provisions of any existing easement, rights, agreements and licences granted, used, enjoyed or exercised by Cadent and other enactments relied upon by

Cadent as of right or other use in relation to the apparatus, then the provisions in this Schedule prevail.

(4) Any agreement or consent granted by Cadent under paragraph 40 (retained apparatus: protection of Cadent) or any other paragraph of this Part of this Schedule, is not to be taken to constitute agreement under sub-paragraph (1).

(5) As a condition of an agreement under sub-paragraph (1) that involves de-commissioned apparatus being left in situ the undertaker must accept a surrender of any existing easement or other interest of Cadent in such decommissioned apparatus and release Cadent from all liabilities in respect of such de-commissioned apparatus from the date of such surrender.

(6) Where an undertaker acquires land which is subject to any Cadent right or interest (including, without limitation, easements and agreements relating to rights or other interests) and the provisions of paragraph 38 (removal of apparatus) do not apply, the undertaker must, unless Cadent agrees otherwise—

- (a) retain any notice of Cadent's easement, right or other interest on the title to the relevant land when registering the undertaker's title to such acquired land; and
- (b) (where no such notice of Cadent's easement, right or other interest exists in relation to such acquired land or any such notice is registered only on the Land Charges Register) include (with its application to register title to the undertaker's interest in such acquired land at the Land Registry) a notice of Cadent's easement, right or other interest in relation to such acquired land.

Removal of apparatus

39.—(1) If, in the exercise of the powers conferred by this Order, including pursuant to any agreement reached in accordance with paragraph 37 (acquisition of land), the undertaker acquires any interest in any land in which any apparatus is placed, that apparatus must not be decommissioned or removed under this Part of this Schedule and any right of Cadent to maintain that apparatus in that land must not be extinguished until alternative apparatus has been constructed, is in operation, and the facilities and rights referred to in sub-paragraph (2) have been provided, to the reasonable satisfaction of Cadent and in accordance with sub-paragraphs (2) to (5) inclusive.

(2) If, for the purpose of executing any works in, on, under or over any land purchased, held, appropriated or used under this Order, the undertaker requires the removal of any apparatus placed in that land, it must give to Cadent advance written notice of that requirement, together with a plan and section of the work proposed, and of the proposed position of the alternative apparatus to be provided or constructed and in that case (or if in consequence of the exercise of any of the powers conferred by this Order Cadent reasonably needs to move or remove any of its apparatus) the undertaker must afford to Cadent to its satisfaction (taking into account paragraph 39(1) (facilities and rights for alternative apparatus)) the necessary facilities and rights—

- (a) for the construction of alternative apparatus; and
- (b) subsequently for the maintenance of that apparatus.

(3) If the undertaker is unable to afford such facilities and rights as are mentioned in sub-paragraph (2), in the land in which the alternative apparatus or part of such apparatus is to be constructed, Cadent must, on receipt of a written notice to that effect from the undertaker, take such steps as are reasonable in the circumstances in an endeavour to assist the undertaker in obtaining the necessary facilities and rights in the land in which the alternative apparatus is to be constructed save that this obligation does not extend to the requirement for Cadent to use its compulsory purchase powers to this end unless it (in its absolute discretion) elects to so do.

(4) Any alternative apparatus to be constructed in land of or land secured by the undertaker under this Part of this Schedule must be constructed in such manner and in such line or situation as may be agreed between Cadent and the undertaker.

(5) Cadent must, after the alternative apparatus to be provided or constructed has been agreed, and subject to the prior grant to Cadent of such facilities and rights as are referred to in sub-paragraph (2) or (3), then proceed without unnecessary delay to construct and bring into operation

the alternative apparatus and subsequently to decommission or remove any apparatus required by the undertaker to be decommissioned or removed under the provisions of this Part of this Schedule.

Facilities and rights for alternative apparatus

40.—(1) Where, in accordance with the provisions of this Part of this Schedule, the undertaker affords to or secures for Cadent facilities and rights in land for the access to, construction and maintenance of alternative apparatus in substitution for apparatus to be decommissioned or removed, those facilities and rights must be granted upon such terms and conditions as may be agreed between the undertaker and Cadent and must be no less favourable on the whole to Cadent than the facilities and rights enjoyed by it in respect of the apparatus to be decommissioned or removed unless otherwise agreed by Cadent.

(2) If the facilities and rights to be afforded by the undertaker and agreed with Cadent under sub-paragraph (1) in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted, are less favourable on the whole to Cadent than the facilities and rights enjoyed by it in respect of the apparatus to be decommissioned or removed, then the terms and conditions to which those facilities and rights are subject in the matter may be referred to arbitration in accordance with paragraph 46 (arbitration) of this Part of this Schedule and the arbitrator must make such provision for the payment of compensation by the undertaker to Cadent as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case.

Retained apparatus: protection of Cadent

41.—(1) Not less than 56 days before the commencement of any specified works the undertaker must submit to Cadent a plan and, if reasonably required by Cadent, a ground monitoring scheme in respect of those works.

(2) The plan to be submitted to Cadent under sub-paragraph (1) must include a method statement and describe—

- (a) the exact position of the works;
- (b) the level at which these are proposed to be constructed or renewed;
- (c) the manner of their construction or renewal including details of excavation, positioning of plant etc.;
- (d) the position of all apparatus;
- (e) by way of detailed drawings, every alteration proposed to be made to or close to any such apparatus; and
- (f) any intended maintenance regimes.

(3) The undertaker must not commence any specified works until Cadent has given written approval of the plan so submitted (and the ground monitoring scheme if required).

(4) Any approval of Cadent given under sub-paragraph (3)—

- (a) may be given subject to reasonable conditions for any purpose mentioned in sub-paragraph (5); and
- (b) must not be unreasonably withheld or delayed and Cadent must meaningfully engage with the undertaker within 28 days of the date of submission of the plan under sub-paragraph (1).

(5) Cadent may require such modifications to be made to the plan as may be reasonably necessary for the purpose of securing its apparatus against interference or risk of damage or for the purpose of providing or securing proper and convenient means of access to any apparatus.

(6) Specified works must only be executed in accordance with—

- (a) the plan submitted under sub-paragraph (1) (and ground monitoring scheme if required), as approved or as amended from time to time by agreement between the undertaker and Cadent; and
- (b) all conditions imposed under sub-paragraph (4)(a), and Cadent will be entitled to watch and inspect the execution of those works.

(7) Where Cadent requires any protective works to be carried out by itself or by the undertaker (whether of a temporary or permanent nature) such protective works, inclusive of any measures or schemes required and approved as part of the plan approved pursuant to this paragraph, must be carried out to Cadent's satisfaction prior to the commencement of any specified works (or any relevant part thereof) for which protective works are required prior to commencement.

(8) If Cadent, in consequence of the works proposed by the undertaker, reasonably requires the removal of any apparatus and gives written notice to the undertaker of that requirement, paragraphs 32 to 34 and 37 to 39 apply as if the removal of the apparatus had been required by the undertaker under sub-paragraph 38(2) (removal of apparatus).

(9) Nothing in this paragraph precludes the undertaker from submitting at any time or from time to time, but in no case less than 56 days before commencing the execution of the specified works, a new plan (and ground monitoring scheme if required), instead of the plan previously submitted, and having done so the provisions of this paragraph will apply to and in respect of the new plan (and ground monitoring scheme if required).

(10) As soon as reasonably practicable after any ground subsidence event attributable to the authorised development (including such an event attributable to its maintenance)—

- (a) the undertaker must implement an appropriate ground mitigation scheme; and
- (b) Cadent retains the right to carry out any further necessary protective works for the safeguarding of its apparatus and can recover any such costs in line with paragraph 41 (expenses).

(11) The undertaker is not required to comply with sub-paragraph (1) where it needs to carry out emergency works but in that case it must give to Cadent notice as soon as is reasonably practicable and a plan of those works and must comply with the conditions imposed under sub-paragraph (4)(a) insofar as is reasonably practicable in the circumstances.

(12) In this paragraph, “emergency works” means works whose execution at the time when they are executed is required in order to put an end to, or to prevent the occurrence of, circumstances then existing or imminent (or which the person responsible for the works believes on reasonable grounds to be existing or imminent) which are likely to cause danger to persons or property.

Expenses

42.—(1) Subject to the following provisions of this paragraph, the undertaker must pay to Cadent on demand, all charges, costs and expenses reasonably anticipated or reasonably incurred by Cadent in, or in connection with, the inspection, removal, relaying or replacing, alteration or protection of any apparatus or the construction of any new or alternative apparatus which may be required in consequence of the execution of any authorised development including without limitation—

- (a) any costs reasonably incurred by or compensation properly paid by Cadent in connection with the acquisition of rights or the exercise of statutory powers for such apparatus including without limitation all costs (including professional fees) incurred by Cadent as a consequence of Cadent;
 - (i) using its own compulsory purchase powers to acquire any necessary rights under paragraph 38(3) (removal of apparatus) if it elects to do so; or
 - (ii) exercising any compulsory purchase powers under this Order transferred to or benefitting Cadent;
- (b) in connection with the cost of the carrying out of any diversion work or the provision of any alternative apparatus;

- (c) the cutting off of any apparatus from any other apparatus or the making safe of redundant apparatus;
- (d) the approval of plans;
- (e) the carrying out of protective works, plus a capitalised sum to cover the cost of maintaining and renewing permanent protective works;
- (f) the survey of any land, apparatus or works, the inspection and monitoring of works or the installation or removal of any temporary works reasonably necessary in consequence of the execution of any such works referred to in this Part of this Schedule;
- (g) any watching brief pursuant to sub-paragraph 40(6) (retained apparatus: protection of Cadent).

(2) There will be deducted from any sum payable under sub-paragraph (1) the value of any apparatus removed under the provisions of this Part of this Schedule and which is not re-used as part of the alternative apparatus, that value being calculated after removal.

(3) If in accordance with the provisions of this Part of this Schedule—

- (a) apparatus of better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions; or
- (b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was situated, and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker or, in default of agreement, is not determined by arbitration in accordance with paragraph 46 (arbitration) to be necessary, then, if such placing involves cost in the construction of works under this Part of this Schedule exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to Cadent by virtue of sub-paragraph (1) will be reduced by the amount of that excess save to the extent that it is not possible in the circumstances (or it would be unlawful due to a statutory or regulatory change) to obtain the existing type of apparatus at the same capacity and dimensions or place at the existing depth in which case full costs will be borne by the undertaker.

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

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

(5) An amount which apart from this sub-paragraph would be payable to Cadent in respect of works by virtue of sub-paragraph (1) will, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on Cadent any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.]

Indemnity

43.—(1) Subject to sub-paragraphs (2) and (3), if by reason or in consequence of the construction of any such works authorised by this Part of this Schedule (including without limitation relocation, diversion, decommissioning, construction and maintenance of apparatus or alternative apparatus) or in consequence of the construction, use, maintenance or failure of any of the authorised development (including works carried out under article 21 (protective work to buildings)) by or on behalf of the undertaker or in consequence of any act or default of the undertaker (or any person employed or authorised by the undertaker) in the course of carrying out

such works, including without limitation works carried out by the undertaker under this Part of this Schedule or any subsidence resulting from any of these works, any damage is caused to any apparatus or alternative apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of the authorised development) or property of Cadent, or there is any interruption in any service provided, or in the supply of any goods, by Cadent, or Cadent becomes liable to pay any amount to any third party, the undertaker will—

- (a) bear and pay on demand accompanied by an invoice or claim from Cadent, the cost reasonably incurred by Cadent in making good such damage or restoring the supply; and
- (b) indemnify Cadent for any other expenses, loss, demands, proceedings, damages, claims, penalty, compensation or costs properly incurred by, paid by or recovered from Cadent, by reason or in consequence of any such damage or interruption or Cadent becoming liable to any third party as aforesaid other than arising from any default of Cadent.

(2) The fact that any act or thing may have been done by Cadent on behalf of the undertaker or in accordance with a plan approved by Cadent or in accordance with any requirement of Cadent or under its supervision including under any watching brief will not (unless sub-paragraph (3) applies) excuse the undertaker from liability under the provisions of this sub-paragraph (1) unless Cadent fails to carry out and execute the works properly with due care and attention and in a skilful and workman like manner or in a manner that does not accord with the approved plan.

(3) Nothing in sub-paragraph (1) imposes any liability on the undertaker in respect of—

- (a) any damage or interruption to the extent that it is attributable to the neglect or default of Cadent, its officers, servants, contractors or agents; and
- (b) any part of the authorised development carried out by Cadent in the exercise of any functions conferred by this Order pursuant to a grant or transfer under article 10 (consent to transfer benefit of the Order).
- (c) any indirect or consequential loss of any third party (including but not limited to loss of use, revenue, profit, contract, production, increased cost of working or business interruption) arising from any such damage or interruption, which is not reasonably foreseeable at the commencement of the relevant works referred to in sub-paragraph (1)

(4) Cadent must give the undertaker reasonable notice of any such third party claim or demand and no settlement, admission of liability or compromise must, unless payment is required in connection with a statutory compensation scheme, be made without first consulting the undertaker and considering their representations.

Enactments and agreements

44. Except where this Part of this Schedule provides otherwise or by agreement in writing between Cadent and the undertaker, nothing in this Part of this Schedule affects the provisions of any enactment or agreement regulating the relations between the undertaker and Cadent in respect of any apparatus laid or erected in land belonging to the undertaker on the date on which this Order is made.

Co-operation

45.—(1) Where in consequence of the proposed construction of any part of the authorised development, the undertaker or Cadent requires the removal of apparatus under paragraph 38(2) (removal of apparatus) or Cadent makes requirements for the protection or alteration of apparatus under paragraph 40 (retained apparatus: protection of Cadent), 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 Cadent's undertaking and Cadent must use its best endeavours to co-operate with the undertaker for that purpose.

(2) For the avoidance of doubt whenever Cadent's consent, agreement or approval is required in relation to plans, documents or other information submitted by Cadent or the taking of action by Cadent, it must not be unreasonably withheld or delayed.

Access

46. If in consequence of any agreement reached in accordance with paragraph 37(1) (acquisition of land) or the powers conferred by this Order the access to any apparatus is materially obstructed, the undertaker must provide such alternative rights and means of access to such apparatus as will enable Cadent to maintain or use the apparatus no less effectively than was possible before such obstruction.

Arbitration

47. Save for differences or disputes arising under sub-paragraphs 38(2) and 38(4) (removal of apparatus) and 41(11) (retained apparatus: protection of Cadent) any difference or dispute arising between the undertaker and Cadent under this Part of this Schedule must, unless otherwise agreed in writing between the undertaker and Cadent, be determined by arbitration in accordance with article 49 (arbitration).

Notices

48. Notwithstanding article 48 (service of notices) any plans submitted to Cadent by the undertaker pursuant to sub-paragraph 40(1) (retained apparatus: protection of Cadent) must be sent by email to Cadent Gas Limited Plant Protection at plantprotection@cadentgas.com as well as by post to Plant Protection, Cadent Gas Limited, Brick Kiln Street, Hinckley, Leicestershire, LE10 0NA, or such other address as Cadent may from time to time appoint instead for that purpose and notify to the undertaker in writing.

SCHEDULE 10

Articles 2 and 47

DOCUMENTS, ETC. TO BE CERTIFIED

PART 1

ENVIRONMENTAL STATEMENT

<i>(1)</i> <i>Document</i>	<i>(2)</i> <i>Document Reference</i>	<i>(3)</i> <i>Revision</i>
Environmental Statement - Chapter 1: Introduction	TR010040/APP/6.1	Rev 1
Environmental Statement - Chapter 2: The Proposed Scheme	TR010040/APP/6.1	Rev 2
Environmental Statement - Chapter 3: Assessment of Alternatives	TR010040/APP/6.1	Rev 1
Environmental Statement - Chapter 4: Environmental Assessment Methodology	TR010040/APP/6.1	Rev 0
Environmental Statement - Chapter 5: Air Quality	TR010040/APP/6.1	Rev 0
Environmental Statement - Chapter 6: Cultural Heritage	TR010040/APP/6.1	Rev 3

Environmental Statement - Chapter 7: Landscape and Visual Effects	TR010040/APP/6.1	Rev 0
Environmental Statement - Chapter 8: Biodiversity	TR010040/APP/6.1	Rev 2
Environmental Statement - Chapter 9: Geology and Soils	TR010040/APP/6.1	Rev 0
Environmental Statement - Chapter 10: Materials Assets and Waste	TR010040/APP/6.1	Rev 1
Environmental Statement - Chapter 11: Noise and Vibration	TR010040/APP/6.1	Rev 1
Environmental Statement - Chapter 12: Population and Human Health	TR010040/APP/6.1	Rev 2
Environmental Statement - Chapter 13: Road Drainage and Water Environment	TR010040/APP/6.1	Rev 1
Environmental Statement - Chapter 14: Climate	TR010040/APP/6.1	Rev 2
Environmental Statement - Chapter 15: Cumulative Effects Assessment	TR010040/APP/6.1	Rev 0
Environmental Statement - Appendix 4.1 Scoping Opinion Responses	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 5.1 Air Quality Dispersion Modelling Process	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 5.2 Air Quality Verification and Model Adjustment	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 5.3 Air Quality Receptor Results	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 6.1 Cultural Heritage Information	TR010040/APP/6.2	Rev 1
Environmental Statement - Appendix 6.2 Geophysical and Metal Detector Survey	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 6.3 Geophysical Survey	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 6.4 Archaeological Evaluation	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 7.1 Planning Policy Context	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 7.2 Landscape and Visual Assessment Criteria	TR010040/APP/6.2	Rev 0

Environmental Statement - Appendix 7.3 ZTV and Verified Photomontage Methodology	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 7.4 Landscape Character Areas	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 7.5 Visual Receptors	TR010040/APP/6.2	Rev 1
Environmental Statement - Appendix 7.6 Representative Viewpoints	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 7.7 Arboricultural Impact Assessment	TR010040/APP/6.2	Rev 1
Environmental Statement - Appendix 7.8 Lighting Assessment	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 8.1 Legislation and policy framework	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 8.2 DMRB biodiversity evaluation assessment methodology	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 8.3 2018 Bat survey report	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 8.4 2018 Breeding bird survey report	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 8.5 Wintering bird survey report	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 8.6 Badger survey report	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 8.7 Terrestrial invertebrate report	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 8.8 Great Crested Newt report	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 8.9 Reptile survey report	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 8.10 2020 Bat survey report	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 8.11 Bat activity crossing point survey report	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 8.12 Breeding Bird	TR010040/APP/6.2	Rev 0

and Barn Owl survey report		
Environmental Statement - Appendix 8.13 Botanical Survey report	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 9.1 Contaminated Land Preliminary Risk Assessment	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 10.1 Legislation and Policy Framework	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 10.2 Waste Disposal Assessment	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 10.3 Outline Site Waste Management Plan	TR010040/APP/6.2	Rev 1
Environmental Statement - Appendix 10.4 Minerals Impact Assessment	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 11.1 Glossary of Terms	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 11.2 Legislation and Policy Framework	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 11.3 Baseline Noise Survey	TR010040/APP/6.2	Rev 1
Environmental Statement - Appendix 11.4 Noise Sensitive Receptors	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 11.5 Construction Noise Assessment	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 13.1 Flood Risk Assessment	TR010040/APP/6.2	Rev 1
Environmental Statement - Appendix 13.2 Drainage Strategy	TR010040/APP/6.2	Rev 1
Environmental Statement - Appendix 13.3 Groundwater Assessment	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 14.1 Carbon Assessment Report	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 15.1 CEA Stage 2 Screening	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 15.2 CEA Short List	TR010040/APP/6.2	Rev 0
Environmental Statement - Figures 1.1 to 2.1	TR010040/APP/6.3	Rev 0

Environmental Statement - Figures 5.1 to 5.9	TR010040/APP/6.3	Rev 0
Environmental Statement - Figures 6.1 to 6.4	TR010040/APP/6.3	Rev 0
Environmental Statement - Figure 6.5	TR010040/APP/6.3	Rev 0
Environmental Statement - Figure 6.6	TR010040/APP/6.3	Rev 0
Environmental Statement - Figures 7.1 to 7.5	TR010040/APP/6.3	Rev 0
Environmental Statement - Figure 7.6.1	TR010040/APP/6.3	Rev 0
Environmental Statement - Figure 7.6.2	TR010040/APP/6.3	Rev 0
Environmental Statement - Figure 7.6.3	TR010040/APP/6.3	Rev 0
Environmental Statement - Figure 7.6.4	TR010040/APP/6.3	Rev 0
Environmental Statement - Figure 7.6.5	TR010040/APP/6.3	Rev 0
Environmental Statement - Figure 7.6.6	TR010040/APP/6.3	Rev 0
Environmental Statement - Figure 7.6.7	TR010040/APP/6.3	Rev 0
Environmental Statement - Figures 7.6.8 to 7.6.9	TR010040/APP/6.3	Rev 0
Environmental Statement - Figures 7.6.10 to 7.6.13	TR010040/APP/6.3	Rev 0
Environmental Statement - Figures 8.1 to 9.1	TR010040/APP/6.3	Rev 1
Environmental Statement - Figures 11.1 to 11.10	TR010040/APP/6.3	Rev 0
Environmental Statement - Figures 12.1 to 12.3	TR010040/APP/6.3	Rev 1
Environmental Statement - Figures 13.1 to 15.1	TR010040/APP/6.3	Rev 0

PART 2

OTHER DOCUMENTS

<i>(1)</i> <i>Document</i>	<i>(2)</i> <i>Document Reference</i>	<i>(3)</i> <i>Revision</i>
Book of reference	TR010040/APP/4.3	Rev 7
Classification of roads plans	TR010040/APP/2.12	Rev 0
Detrunking plans	TR010040/APP/2.10	Rev 0
EMP (First Iteration)	TR010040/APP/7.7	Rev 6
Engineering drawings and sections	TR010040/APP/2.5	Rev 1
General arrangement plans	TR010040/APP/2.6	Rev 4
Hedgerow plan	TR010040/APP/2.9	Rev 1
Land plans	TR010040/APP/2.2	Rev 1

Masterplan	TR010040/APP/6.8	Rev 4
Outline traffic management plan	TR010040/APP/7.8	Rev 2
Report to Inform Habitats Regulations Assessment	TR010040/APP/6.9	Rev 3
Rights of way and access plans	TR010040/APP/2.4	Rev 4
Traffic regulation plans	TR010040/APP/2.11	Rev 0
Works plans	TR010040/APP/2.3	Rev 2

EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises National Highways Limited to improve the A47 between Blofield and North Burlingham in Norfolk and carry out all associated works.

The Order permits National Highways Limited 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, engineering drawings and sections, book of reference and environmental statement and report mentioned in this Order and certified in accordance with article 47 (certification of documents, etc.) may be inspected free of charge during working hours at National Highways Limited, Bridge House, 1 Walnut Tree Close, Guildford, Surrey GU1 4LZ.