



# Gatwick Airport Northern Runway Project

## Draft DCO Template Verification Report

### Book 2

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## INFRASTRUCTURE PLANNING

### Gatwick Airport (Northern Runway Project) Development Consent Order 202[ ]

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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 the examining authority appointed by the Secretary of State pursuant to Chapter 2 of Part 6 of the 2008 Act and carried out in accordance with Chapter 4 of Part 6 of the 2008 Act, and the Infrastructure Planning (Examination Procedure) Rules 2010(c).

The examining authority, having considered the application together with the accompanying documents and the representations made and not withdrawn, has submitted a report to the Secretary of State under section 74(2) of the 2008 Act setting out its findings, conclusions and recommendations in respect of the application.

The Secretary of State, having considered the representations made and not withdrawn, and the report of the examining authority, has decided to make an Order granting development consent for the development described in the application [with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

The Secretary of State is satisfied that replacement land (as that term is defined in section 131(12) of the 2008 Act) has been or will be given in exchange for the special category land within the Order limits to be permanently acquired, and that the replacement land has been or will be vested in the person or persons in whom the special category land is vested and subject to the same rights, trusts and incidents as attach to the special category land, and that, accordingly, section 131(4) of the 2008 Act applies.

The Secretary of State is also satisfied that, in respect of the parcels of open space land within the Order limits over which rights will be acquired, the rights being acquired are for a temporary (although possibly long-lived) purpose or when imposed on the relevant open space land, will leave that land no less advantageous than it was before to the persons in whom it is vested, other persons, if any, entitled to rights of common or other rights and the public, and that accordingly, sections 132(4B) and 132(3) (respectively) of the 2008 Act apply.

The Secretary of State, in exercise of the powers conferred by sections 114, 115, 117, 120 and 122 of the 2008 Act, makes the following Order—

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(a) 2008 c. 29. Section 37 was amended by section 173(5) of, and paragraph 5 of Schedule 13 to, the Localism Act 2011 (c. 20). Parts 1 to 7 were amended by Chapter 6 of Part 6 of the Localism Act 2011 (c. 20).  
(b) S.I. 2009/2264, amended by S.I. 2010/439, S.I. 2010/602, S.I. 2012/635, S.I. 2012/2654, S.I. 2012/2732, S.I. 2013/522, S.I. 2013/755.  
(c) S.I. 2010/103, amended by S.I. 2012/635.

# PART 1

## PRELIMINARY

### Citation and commencement

1. This Order may be cited as the Gatwick Airport (Northern Runway Project) Development Consent Order 202[ ] and comes into force on [ ] 202[ ].

### Interpretation

2.—(1) In this Order—

- “the 1961 Act” means the Land Compensation Act 1961(a);
- “the 1965 Act” means the Compulsory Purchase Act 1965(b);
- “the 1972 Act” means the Local Government Act 1972(c);
- “the 1980 Act” means the Highways Act 1980(d);
- “the 1981 Act” means the Compulsory Purchase (Vesting Declarations) Act 1981(e);
- “the 1982 Act” means the Civil Aviation Act 1982(f);
- “the 1984 Act” means the Road Traffic Regulation Act 1984(g);
- “the 1990 Act” means the Town and Country Planning Act 1990(h);
- “the 1991 Act” means the New Roads and Street Works Act 1991(i);
- “the 2008 Act” means the Planning Act 2008(j);
- “the 2015 Regulations” means the Town and Country Planning (General Permitted Development) (England) Order 2015(a);

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- (a) 1961 c. 33.
  - (b) 1965 c. 56.
  - (c) 1972 c. 70.
  - (d) 1980 c. 66. Section 1(1) was amended by section 21(2) to the New Roads and Street Works Act 1991 (c. 22); sections 1(2), (3) and (4) were amended by section 8 of, and paragraph (1) of Schedule 4 to, the Local Government Act 1985 (c. 51); section 1(2A) was inserted by, and section 1(3) was amended by, section 259(1), (2) and (3) of the Greater London Authority Act 1999 (c. 29); sections J(3A) and 1(5) were inserted by section 22(1) of, and paragraph 1 of Schedule 7 to, the Local Government (Wales) Act 1994 (c. 19). Section 36(2) was amended by section 4(1) of, and paragraphs 47(a) and (b) of Schedule 2 to, the Housing (Consequential Provisions) Act 1985 (c. 71), by S.I. 2006/1177, by section 4 of, and paragraph 45(3) of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c. 11), by section 64(1), (2) and (3) of the Transport and Works Act 1992 (c. 42) and by section 57 of, and paragraph 5 of Part 1 of Schedule 6 to, the Countryside and Rights of Way Act 2000 (c. 37); section 36(3A) was inserted by section 64(4) to the Transport and Works Act 1992 (c. 42) and was amended by S.I. 2006/1177; section 36(6) was amended by section 8 of, and paragraph 7 of Schedule 4 to, the Local Government Act 1985 (c. 51); and section 36(7) was inserted by section 22(1) of, and paragraph 4 of Schedule 7 to, the Local Government (Wales) Act 1994 (c. 19). Section 329 was amended by section 112(4) of, and Schedule 18 to, the Electricity Act 1989 (c. 29) and by section 190(3) of, and Part 1 of Schedule 27 to, the Water Act 1989 (c. 15). There are other amendments to the 1980 Act which are not relevant to this Order.
  - (e) 1981 c. 66. Sections 2(3), 6(2) and 11(6) were amended by section 4 of, and paragraph 52 of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c. 11). Section 15 was amended by sections 56 and 321(1) of, and Schedules 8 and 16 to, the Housing and Regeneration Act 2008 (c. 17). Paragraph 1 of Schedule 2 was amended by section 76 of, and Part 2 of Schedule 9 to, the Housing Act 1988 (c. 50); section 161(4) of, and Schedule 19 to, the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28); and sections 56 and 321(1) of, and Schedule 8 to, the Housing and Regeneration Act 2008 (c. 17). Paragraph 3 of Schedule 2 was amended by section 76 of, and Schedule 9 to, the Housing Act 1988 (c. 50) and section 56 of, and Schedule 8 to, the Housing and Regeneration Act 2008 (c. 17). Paragraph 2 of Schedule 3 was repealed by section 277 of, and Schedule 9 to, the Inheritance Tax Act 1984 (c. 51). There are others amendments to the 1981 Act which are not relevant to this Order.
  - (f) 1982 c. 16.
  - (g) 1984 c. 27.
  - (h) 1990 c. 8. Section 206(1) was amended by section 192(8) of, and paragraphs 7 and 11 of Schedule 8 to, the Planning Act 2008 (c. 29) (date in force to be appointed see section 241(3), (4)(a) and (c) of the 2008 Act). There are other amendments to the 1990 Act which are not relevant to this Order.
  - (i) 1991 c. 22. Section 48(3A) was inserted by section 124 of the Local Transport Act 2008 (c. 26). Sections 79(4), 80(4), and 83(4) were amended by section 40 of, and Schedule 1 to, the Traffic Management Act 2004 (c. 18).
  - (j) 2008 c. 29.

“the 2017 Regulations” means the Compulsory Purchase of Land (Vesting Declarations) (England) Regulations 2017<sup>(b)</sup>;

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

“airport” has the same meaning as in Part 1 of the Civil Aviation Act 2012<sup>(c)</sup> and is located within the area shown on the airport boundary plan;

“airport boundary plan” means the document certified as such by the Secretary of State under article 51 (certification of documents, etc.);

“airport road” means a road (including both highways and roads for which public access is restricted) located within the airport and, where only part of a road is located within the airport, includes that part;

“apparatus” unless otherwise provided for, has the same meaning as in Part 3 (street works in England and Wales) of the 1991 Act;

“approved plans” means the drawings certified as such by the Secretary of State under article 51 (certification of documents, etc) or approved pursuant to a requirement;

“associated development” has the same meaning as in section 115 (development for which development consent may be granted) of the 2008 Act;

“authorised development” means the development and associated development described in Schedule 1 (authorised development) or any part of it, which is development within the meaning of section 32 (meaning of development) of the 2008 Act;

“book of reference” means the document certified as such by the Secretary of State under article 51 (certification of documents, etc.);

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

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

“commence” means the carrying out of any material operation (as defined in section 155 (when development begins) of the 2008 Act) forming part, or carried out for the purposes, of the authorised development other than operations consisting of:

- (a) remedial work in respect of any contamination or adverse ground conditions;
  - (b) environmental (including archaeological) surveys and investigation;
  - (c) investigations for the purpose of assessing ground conditions;
  - (d) site or soil surveys;
  - (e) erection of fencing to site boundaries or marking out of site boundaries;
  - (f) removal of hedgerows, trees and shrubs;
  - (g) installation of amphibian and reptile fencing;
  - (h) the diversion or laying of services;
  - (i) ecological mitigation measures;
  - (j) receipt and erection of construction plant and equipment;
  - (k) erection of temporary buildings and structures;
  - (l) site preparation and site clearance;
  - (m) establishment of construction compounds;
  - (n) establishment of temporary haul roads; and
  - (o) the temporary display of site notices, advertisements or information,
- and “commencement” and “commenced” are to be construed accordingly;

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(a) S.I. 2015/596.  
(b) S.I. 2017/3.  
(c) 2012 c. 19.



“code of construction practice” means the document certified as such by the Secretary of State under article 51 (certification of documents, etc.);

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

“development” means the carrying out of a material operation, as defined in section 155 (when development begins) of the 2008 Act excluding any operation excluded from the definition of “commence”;

“discharging authority” means the body responsible for giving any endorsement, agreement or approval required by a requirement;

“electronic transmission” means a communication transmitted—

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

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

“environmental statement” means the document certified as such by the Secretary of State under article 51 (certification of documents, etc.);

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

“highway” and “highway authority” have the same meaning as in sections 328 (meaning of highway) and 1 (highway authorities: general provision) (respectively) of the 1980 Act and “highway” includes part of a highway;

“highway works” means the construction or alteration of any highway authorised by this Order;

“land plans” means the plans certified as such by the Secretary of State under article 51 (certification of documents, etc.);

“limits of deviation” means the limits of deviation referred to in article 6 (limits of deviation);

“local highway” means a highway:

(a) which is not an airport road; and

(b) for which National Highways is not (and will not be upon completion of any relevant works) the highway authority;

“local highway authority” means the highway authority in respect of the local highway in question;

“local highway works” means the construction or alteration of any local highway authorised by this Order;

“maintain” in relation to the authorised development includes to inspect, repair, adjust, alter, remove, refurbish, replace, improve or reconstruct to the extent that such works do not give rise to any materially new or materially different environmental effects from those identified in the environmental statement and any derivative of “maintain” is to be construed accordingly;

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

“national highway works” means the construction or alteration of any highway authorised by this Order for which National Highways is, or will be once the works are complete, the highway authority;

“Order land” means the land shown shaded pink or blue on the land plans and described in the book of reference;

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

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(a) The definition of “cycle track” (in section 329(1) of the 1980 Act) was amended by section 1 of the Cycle Tracks Act 1984 (c. 38) and paragraph 21(2) of Schedule 3 to the Road Traffic (Consequential Provisions) Act 1988 (c. 54).

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

“planning authority” has the same meaning as “local planning authority” in the 1990 Act;

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

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

“replacement land” means the replacement land identified in Part 2 of Schedule 10;

“rights of way and access plans” means the plans certified as such by the Secretary of State under article 51 (certification of documents, etc.);

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

“special category land plans” means the plans certified as such by the Secretary of State under article 51 (certification of documents, etc.);

“start date” means the later of the day after —

(a) the day on which the period for legal challenge in respect of this Order under section 118 of the 2008 Act expires; or

(b) the final determination of any legal challenge under that section;

“statutory undertaker” means any statutory undertaker for the purposes of section 127(8) (statutory undertakers’ land) or section 138(4A) (extinguishment of rights, and removal of apparatus, of statutory undertakers etc.) 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 (street works in England and Wales) of the 1991 Act;

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

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

“undertaker” means Gatwick Airport Limited (company registration number 01991018) whose registered address is at 5th Floor, Destinations Place, Gatwick Airport, Gatwick, West Sussex, RH6 0NP or any person who has the benefit of this Order in accordance with articles 7 (benefit of Order) and 8 (consent to transfer benefit of Order);

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

“a work” means a numbered work identified as part of the authorised development in Schedule 1 (authorised development) and includes any other associated development related to that work; and

“works plans” means the plans certified as such by the Secretary of State under article 51 (certification of documents, etc.).

(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 restrictions are references to restrictive covenants over land which interfere with the interests or rights of another and are for the benefit of land which is acquired, or rights over which are acquired, under this Order.

(3) Subject to article 6 (limits of deviation) all distances, directions and lengths referred to in this Order are approximate and distances between points on a work comprised in the authorised

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(a) 1981 c. 67.

development and shown on the works plans or rights of way and access plans are taken to be measured along that work.

(4) References in this Order to the creation and acquisition of rights over land includes references to rights to oblige a party having an interest in land to grant those rights referenced in the Order, at the discretion of the undertaker, either—

- (a) to an affected person directly, where that person's land or rights over land have been adversely affected by this Order, and, where that is the case, the rights referenced in the Order are to be granted for the benefit of the land in which that affected person has an interest at the time of the making of this Order; or
- (b) to any statutory undertaker for the purpose of their undertaking.

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

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

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

(8) References to any statutory body includes that body's successor bodies from time to time.

(9) References in this Order to materially new or materially different environmental effects in comparison with those reported in the environmental statement must not be construed so as to preclude the undertaker from avoiding, removing or reducing an adverse environmental effect that was reported in the environmental statement.

(10) In this Order, the expression "includes" is to be construed without limitation.

## PART 2

### PRINCIPAL POWERS

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

**3.**—(1) Subject to the provisions of this Order including the requirements in Schedule 2 (requirements), the undertaker is granted development consent to construct, operate and use the authorised development.

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

#### **Maintenance of authorised development**

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

#### **Maintenance of drainage works**

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

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

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(a) 1991 c. 59. The definition of "drainage" (in section 72(1) of the Land Drainage Act 1991 (c. 59)) was substituted by section 100(2) of the Environment Act 1995 (c. 25).

### **Limits of deviation**

6.—(1) Subject to paragraph (2), each numbered work must be situated within the limits of the corresponding numbered area shown on the works plans.

(2) Any of Work Nos. 35, 36 or 37 (surface access works) may be situated within the limits shown on the works plans of Work Nos. 35, 36 and 37 taken as a whole.

(3) In constructing Work Nos. 3, 6, 9, 10, 11, 12, 15, 16, 22, 23, 26, 27, 28, 29, 30 and 31 the undertaker may not deviate vertically from the levels shown or noted on the approved plans except as approved pursuant to Schedule 2 (requirements).

(4) In constructing Work Nos. 35, 36 and 37 (surface access works), the undertaker may deviate—

- (a) vertically from the levels shown or noted on the approved plans to a maximum of 1.5 metres upwards and to a maximum of 2 metres downwards; and
- (b) laterally to the extent shown or noted on the approved plans or as otherwise approved pursuant to Schedule 2 (requirements).

(5) In constructing Work Nos. 4(b) and 4(e) (runway exits), the undertaker:

- (a) may deviate laterally to the extent shown or noted on the approved plans; but
- (b) where an area is specified in square metres on the approved plans for a component of these works, must not exceed that area,

unless otherwise approved pursuant to Schedule 2 (requirements).

(6) The limits set out in paragraphs (1), (3) and (5) do not apply where it is demonstrated by the undertaker to the relevant planning authority's satisfaction and the relevant planning authority certifies accordingly that works in excess of these limits would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.

(7) The limits set out in paragraphs (2) and (4) do not apply where it is demonstrated by the undertaker to the relevant highway authority's satisfaction and the relevant highway authority certifies accordingly that works in excess of these limits would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.

### **Benefit of Order**

7.—(1) Subject to article 8 (consent to transfer benefit of Order), 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**

8.—(1) Subject to paragraph (4), 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; or
- (b) grant to another person ("the grantee") for a period agreed between the undertaker and the grantee any or all of the benefit of the provisions of this Order and such related statutory rights as may be so agreed.

(2) Where an agreement has been made in accordance with paragraph (1) references in this Order to the undertaker, except in paragraph (3), includes references to the transferee or the grantee.

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

(4) The consent of the Secretary of State is required for a transfer or grant under this article, except where the transfer or grant of any or all of the benefits of the provisions and such related statutory rights as may be agreed is made to the following bodies:

- (a) in relation to a transfer or a grant of any works within a highway, the relevant highway authority; or
- (b) in relation to a transfer or a grant relating to any part of Work Nos. 10(g), 11(d) (office areas), 16 (new hangar), 26, 27, 28 or 29 (hotels), any registered company.

### **Planning permission**

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

(2) The authorised development may be carried out or continue to be carried out, and the airport may be operated or continue to be operated, pursuant to this Order notwithstanding the initiation of development pursuant to any planning permission which may be physically incompatible with the authorised development or inconsistent with any provision of this Order.

(3) Any planning permission which has been initiated prior to the commencement of the authorised development pursuant to this Order may continue to be lawfully implemented thereafter notwithstanding any physical incompatibility with the authorised development or inconsistency with any provision of this Order.

(4) Any conditions of any planning permission granted prior to the date of this Order that are incompatible with the requirements of this Order or the authorised development shall cease to have effect from the date the authorised development is commenced and for the purpose of this article planning permissions deemed to be granted pursuant to the 2015 Regulations shall be deemed to be granted prior to the date of this Order.

(5) Nothing in this Order restricts the undertaker from seeking or implementing, or the relevant planning authority from granting, planning permission for development within the Order limits.

(6) In this article:

- (a) “initiate” means when development of land shall be taken to be begun as per section 56 (time when development begun) of the 1990 Act, and “initiated” and “initiation” are defined accordingly; and
- (b) “planning permission” means planning permission granted under the 1990 Act including planning permission deemed to be granted under article 3 (permitted development) and Classes F, G, I, J, K, L, M and N of Part 8 (transport related development) of Schedule 2 to the 2015 Regulations.

## **PART 3**

### **STREETS**

#### **Application of the 1991 Act**

**10.**—(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) of that Act (which defines what highway authority works are major highway works); or

- (b) they are works which, had they been executed by the highway authority, might have been carried out in exercise of the powers conferred by section 64 (dual carriageways and roundabouts)(a) of the 1980 Act or section 184 (vehicle crossings over footways and verges)(b) of that Act.

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

(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 (directions as to timing)(e);
- (b) section 56A (power to give directions as to placing of apparatus)(d);
- (c) section 58 (restrictions following substantial road works)(e);
- (d) section 58A (restriction on works following substantial street works)(f);
- (e) section 73A (power to require undertaker to re-surface street)(g);
- (f) section 73B (power to specify timing etc. of re-surfacing)(h);
- (g) section 73C (materials, workmanship and standard of re-surfacing)(i);
- (h) section 77 (liability for cost of use of alternative route);
- (i) section 78A (contributions to costs of re-surfacing by undertaker)(j); and
- (j) Schedule 3A (restriction on works following substantial street works)(k).

(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 14 (temporary closure 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(l) referred to in paragraph (4) are—

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

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(a) Section 64 was amended by Schedule 17 to the Local Government Act 1985 (c. 51) and Schedule 9 to the 1991 Act.  
(b) Section 184 was amended by section 4 of, and Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c. 11) and Schedule 8 to the 1991 Act and sections 35 and 46 of the Criminal Justice Act 1982 (c. 48).  
(c) Section 56 was amended by section 43 of, and Schedule 1 to, the Traffic Management Act 2004 (c. 18).  
(d) Section 56A was inserted by section 44 of the Traffic Management Act 2004 (c. 18).  
(e) Section 58 was amended by section 51 of, and Schedule 1 to, the Traffic Management Act 2004 (c. 18).  
(f) Section 58A was inserted by section 52 of the Traffic Management Act 2004 (c. 18).  
(g) Section 73A was inserted by section 55 of the Traffic Management Act 2004 (c. 18).  
(h) Section 73B was inserted by section 55 of the Traffic Management Act 2004 (c. 18).  
(i) Section 73C was inserted by section 55 of the Traffic Management Act 2004 (c. 18).  
(j) Section 78A was inserted by section 57 of the Traffic Management Act 2004 (c. 18).  
(k) Schedule 3A was inserted by Schedule 4 to the Traffic Management Act 2004 (c. 18).  
(l) Sections 54, 55, 57, 60, 68 and 69 were amended by sections 40(1) and (2) of, and Schedule 1 to, the Traffic Management Act 2004 (c. 18).  
(m) As also amended by section 49(1) of the Traffic Management Act 2004 (c. 18).  
(n) As also amended by sections 49(2) and 51(9) of the Traffic Management Act 2004 (c. 18).  
(o) As also amended by section 52(3) of the Traffic Management Act 2004 (c. 18).  
(p) As amended by section 42 of the Traffic Management Act 2004 (c. 18).

- (h) section 75 (inspection fees);
- (i) section 76 (liability for cost of temporary traffic regulation); and
- (j) section 77 (liability for cost of use of alternative route),

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

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

(7) For the avoidance of doubt, as regards any streets within the airport the undertaker shall not be required to give any notice, afford any facilities or pay any fee or costs to a street authority or traffic authority or do anything else that the undertaker would not be obliged to do were it not for this Order.

### **Street works**

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

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

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

(3) Subject to article 10 (application of the 1991 Act), the provisions of sections 54 to 106 of the 1991 Act apply to any street works carried out under paragraph (1).

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

**12.**—(1) Subject to the following provisions of this article, the undertaker may for the purposes of constructing, operating or maintaining the authorised development enter on and alter the layout of, or carry out any works on, any street within the Order limits and, without limiting the scope of this paragraph, the undertaker may—

- (a) alter the level or increase the width of any kerb, street, footpath, footway, cycle track, carriageway or verge or central reservation;
- (b) make and maintain passing place(s);
- (c) increase the width of the carriageway of the street by reducing the width of any kerb, footpath, footway, cycle track, verge or central reservation within the street;
- (d) reduce the width of the carriageway of the street;
- (e) execute any works to widen or alter the alignment of pavements;
- (f) execute any works of surfacing or re-surfacing of the street; and
- (g) execute any works necessary to alter existing facilities for the management and protection of pedestrians.

(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) must not be exercised without the consent of the street authority (this consent not to be unreasonably withheld or delayed).

(4) If a street authority which receives a valid application for consent under paragraph (3) fails to notify the undertaker of its decision before the end of the period of 56 days beginning with the date on which the application was made, it is deemed to have granted consent.

(5) Paragraphs (2) and (3) of this article do not apply to any streets within the airport.

### **Stopping up of streets**

**13.**—(1) Subject to the following provisions of this article, the undertaker may, in connection with the carrying out of the authorised development, stop up permanently each of the streets specified in columns (1) and (2) of Part 1 of Schedule 3 (highways to be stopped up and substitute highways and new highways to be provided) to the extent specified, by reference to the rights of way and access plans, in column (3) of Part 1 of that Schedule.

(2) No street specified in columns (1) and (2) of Part 1 of Schedule 3 is to be wholly or partly stopped up under this article unless—

- (a) the new street to be substituted for it, which is specified in column (4) of that Part of that Schedule, has been completed to the reasonable satisfaction of the relevant street authority and is open for use; or
- (b) a temporary alternative route for the passage of such traffic as could have used the street to be stopped up is first provided and subsequently maintained by the undertaker between the commencement and termination points for the stopping up of the street until the completion and opening of the new street in accordance with sub-paragraph (a).

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

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

(4) 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 (determination of questions of disputed compensation) of the 1961 Act.

(5) This article is subject to article 42 (apparatus and rights of statutory undertakers in stopped up streets).

### **Temporary closure of streets**

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

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

(2) Without limitation on the scope of paragraph (1), the undertaker may use any street temporarily closed, altered or diverted 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 closure, alteration or diversion 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 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) Where the undertaker provides a temporary diversion under this article, the new or temporary alternative route is not required to be of a higher standard than the temporarily closed street.



(6) Prior to the reopening of any street temporarily closed under this article, the undertaker must remove all temporary works and restore the street to its previous condition.

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

(8) If a street authority which receives a valid application for consent under paragraph (4) fails to notify the undertaker of its decision before the end of the period of 56 days beginning with the date on which the application was made, it is deemed to have granted consent.

(9) Paragraphs (4) and (6) of this article do not apply to any streets within the airport.

### **Public rights of way – creation, diversion and stopping up**

**15.**—(1) Subject to the provisions of this article, the undertaker may, in connection with the carrying out of the authorised development—

- (a) stop up each of the public rights of way specified in columns (1) and (2) of Part 1 of Schedule 4 (public rights of way to be permanently stopped up for which a substitute is to be provided) to the extent specified in column (3) of that Part of that Schedule;
- (b) provide the substitute public rights of way described in column (4) of Part 1 of Schedule 4 between the specified terminus points and to the specified classification;
- (c) temporarily stop up public rights of way to the extent agreed with the relevant highway authority and provide substitute temporary public rights of way between terminus points, on an alignment to be agreed with the relevant highway authority (in both respects agreement not to be unreasonably withheld or delayed); and
- (d) stop up each of the public rights of way specified in columns (1) and (2) of Part 2 of Schedule 4 (public rights of way to be permanently stopped up for which no substitute is to be provided) to the extent specified in column (3) of that Part of that Schedule.

(2) No public right of way may be stopped up pursuant to paragraph (1)(a) unless the respective substitute public right of way has first been provided pursuant to paragraph (1)(b) to the reasonable satisfaction of the relevant highway authority.

(3) No public right of way may be stopped up pursuant to paragraph (1)(c) unless the substitute temporary public right of way agreed with the relevant highway authority has been provided to the reasonable satisfaction of the relevant highway authority.

(4) Any permanent diversion route provided under paragraph (2) or any temporary diversion route agreed by the relevant highway authority under paragraph (3) must be maintained by the undertaker with appropriate clear signage of the permanently diverted or temporarily diverted route.

(5) The undertaker must in connection with the carrying out of the authorised development provide the new footways and cycle tracks specified in columns (1) and (2) of Part 3 of Schedule 4 (footways and cycle tracks).

### **Access to works**

**16.**—(1) The undertaker may, for the purposes of the authorised development, form and layout means of access, or improve existing means of access, at such locations within the Order limits as the undertaker reasonably requires for the purposes of the authorised development.

(2) The private means of access set out in columns (1) and (2) of Part 2 of Schedule 3 (private means of access to stopped up and substitute private means and new private means) may be removed by the undertaker to the extent specified in column (3) of that Part of that Schedule and if removed must be replaced by the means of access as set out in column (4) of that Part of that Schedule.

### **Classification of roads, etc.**

**17.**—(1) From the date on which the new and realigned roads described in columns (1) and (2) of Parts 1, 2 and 3 of Schedule 5 (classification of roads) have been completed and are open for through traffic, they are to be classified as follows for the purpose of any enactment or instrument which refers to highways classified as such:

- (a) those new and realigned roads listed in Part 1 of Schedule 5 are to be classified trunk roads;
- (b) those new and realigned roads listed in Part 2 of Schedule 5 are to be classified non-trunk roads; and
- (c) those new and realigned roads listed in Part 3 of Schedule 5 are to be un-classified roads,

and in respect of each road the body set out in column (1) of Part 1, 2 or 3 of Schedule 5 (respectively) is the highway authority for those roads.

(2) The existing road described in Part 4 of Schedule 5 (roads to be de-trunked) is to cease to have the classification of trunk road to the extent specified in column (2) of that Part of that Schedule and shall be the responsibility of the relevant highway authority set out in column (1) of that Part of that Schedule.

(3) Any classification made under this article shall take effect as if such classification had been made under sections 10(2) (general provision as to trunk roads) and 12(3) (general provision as to principal and classified roads) of the 1980 Act.

### **Traffic regulations**

**18.**—(1) From the date determined by the undertaker, the order specified in column (3) of Part 3 of Schedule 6 (revocations & variations of existing traffic regulation orders) is to be varied or revoked as specified in the corresponding row of column (4) of that Part of that Schedule in respect of the lengths of roads specified in the corresponding row of column (2) of that Part of that Schedule.

(2) Subject to the provisions of this article, the undertaker may at any time for the purposes of the authorised development regulate vehicular speed by imposing speed restrictions on vehicles in the manner specified in column (4) of Part 1 of Schedule 6 (speed limits) on those roads specified in columns (1) and (2) of that Part of that Schedule along the lengths and between the points specified in column (3) of that Part of that Schedule.

(3) Subject to the provisions of this article, the undertaker may in so far as may be expedient or necessary for the purposes of or in connection with the construction, operation or maintenance of the authorised development—

- (a) revoke, amend or suspend in whole or in part any order made, or having effect as if made, under the 1984 Act;
- (b) permit, prohibit or restrict the stopping, waiting, loading or unloading of vehicles on any road;
- (c) authorise the use as a parking place of any road;
- (d) make provision as to the direction or priority of vehicular traffic on any road; and
- (e) permit or prohibit vehicular access to any road,

either at all times or at times, on days or during such periods as may be specified by the undertaker.

(4) Before complying with the process in paragraph (5), the undertaker must consult:

- (a) the chief officer of police for the area in which the relevant road is situated;
- (b) the traffic authority in whose area the relevant road is situated; and
- (c) any other such persons as the undertaker considers necessary and appropriate (and the undertaker must take into consideration any representations made to it by any such persons).

(5) The undertaker must not exercise the powers conferred by paragraphs (2) and (3) of this article unless it has—

- (a) given to the chief officer of police and to the traffic authority in whose area the road is situated not less than—
  - (i) 28 days' notice in writing of its intention so to do in the case of a prohibition, restriction or other provision intended to have effect permanently; or
  - (ii) except in the case of an emergency, 7 days' notice in writing of its intention so to do in the case of a prohibition, restriction or other provision intended to have effect temporarily;
- (b) advertised its intention in such manner as the traffic authority may specify in writing within 7 days of its receipt of notice of the undertaker's intention as provided for in subparagraph (a); and
- (c) obtained the consent of the traffic authority (such consent not to be unreasonably withheld or delayed) to the proposed exercise of powers.

(6) Any prohibition, restriction or other provision made by the undertaker under paragraphs (2) and (3)—

- (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)(a) of the 1984 Act, and the instrument by which it is effected may specify savings and exemptions to which the prohibition, restriction or other provision is subject; and
- (b) is deemed to be a traffic order for the purposes of Schedule 6 (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 of paragraphs (2) and (3) at any time.

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

(9) 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.

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

(11) In respect of airport roads, paragraphs (4)(b), (5)(b) and (5)(c) do not apply and paragraph 5(a) shall be read as if it does not contain the words "and to the traffic authority".

### **Clearways, prohibitions and restrictions**

**19.**—(1) From the date determined by the undertaker, the restrictions specified in column (4) of Part 2 of Schedule 6 (traffic regulation measures (clearways, height restrictions and prohibitions)) are to apply to those roads specified in columns (1) and (2) of that Part of that Schedule along the lengths and between the points specified in column (3) of that Part of that Schedule, except as

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(a) As amended by section 102 of, and Schedule 17 to, the Local Government Act 1985 (c. 51) and section 168(1) of, and paragraph 39 of Schedule 8 to, the 1991 Act.  
(b) 2004 c. 18.

provided in paragraph (2) of this article or upon the direction of, or with the permission of, a uniformed constable or uniformed traffic officer.

(2) Nothing in paragraph (1) applies—

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

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

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

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

### **Construction and maintenance of local highway works**

**20.**—(1) Any local highways constructed, altered or diverted under this Order must be completed to the reasonable satisfaction of the relevant highway authority and must, as regards the part constructed, altered or diverted, unless otherwise agreed between the undertaker and the relevant highway authority, be maintained by and at the expense of the undertaker for a period of 12 months from the day on which they are first open to through traffic and at the expiry of that period by and at the expense of the relevant highway authority.

(2) In any action against the undertaker in respect of loss or damage resulting from any failure by it to maintain a local highway 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

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(a) 2003 c. 21. Schedule 3A was inserted by Schedule 1 to the Digital Economy Act 2017 (c. 30).  
(b) 1991 c. 56.  
(c) 2000 c. 26.

undertaker had taken such care as in all the circumstances was reasonably required to secure that the part of the local highway to which the action relates was not dangerous to traffic.

(3) For the purposes of a defence under paragraph (3), the court shall in particular have regard to the following matters—

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

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

#### **Agreements with highway authorities**

**21.**—(1) A relevant highway authority may enter into agreements with the undertaker in respect of—

- (a) the construction of any new highway, including any structure carrying the highway over any part of the authorised development;
- (b) the strengthening, improvement, repair or reconstruction of any highway, including any structure carrying the highway over any of the authorised development;
- (c) the maintenance of the structure of any bridge carrying a highway over or under any part of the authorised development;
- (d) any stopping up, alteration or diversion of a highway authorised by this Order;
- (e) the carrying out in the highway of any of the works referred to in article 11 (street works) or article 12 (power to alter layout, etc., of streets); and
- (f) such other works as the parties may agree.

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

- (a) make provision for the relevant highway authority to carry out any function under this Order which relates to the highway in question;
- (b) include an agreement between the undertaker and the relevant highway authority specifying a reasonable time for the completion of the works; and
- (c) contain such terms as to payment and other matters as the parties consider appropriate, including such matters as may be included in agreements made pursuant to section 278 (agreements as to execution of works) or section 38 (power of highway authorities to adopt by agreement) of the 1980 Act.

(3) The undertaker must not commence a local highway work prior to entering into an agreement pursuant to paragraph (1) which provides details of the specification of that work which will reasonably satisfy the relevant highway authority for the purpose of article 20, and related provisions in relation to the maintenance and adoption of such works pursuant to that article.

## PART 4

### SUPPLEMENTAL POWERS

#### **Discharge of water**

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

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

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

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

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

(5) Where the person to whom the watercourse, sewer or drain belongs receives an application for consent under paragraph (3) or approval under paragraph (4)(a) and fails to notify the undertaker of its decision within 28 days of receiving an application, that person will be deemed to have granted consent or given approval, as the case may be.

(6) The undertaker must not, in carrying out or maintaining works under this article, damage or interfere with the bed or banks of any watercourse forming part of a main river, save where such damage or interference is required for the purpose of carrying out works authorised under this Order.

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

(8) For the avoidance of doubt, nothing in this article overrides the requirement for an environmental permit under regulation 12(1)(b) (requirement for an environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016(a) if such a permit would have been required if not for this article.

(9) In this article—

- (a) “public sewer or drain” means a sewer or drain which belongs to Homes England, the Environment Agency, an internal drainage board, a joint planning board, a local authority, a sewerage undertaker or an urban development corporation;
- (b) other expressions, excluding watercourse, used both in this article and in the Water Resources Act 1991(b) have the same meaning as in that Act; and
- (c) “main river” means watercourses shown as such on the statutory main river maps held by the Environment Agency and the Department for Environment, Food and Rural Affairs.

(10) The Environment Agency is deemed to have granted consent under paragraph (3) where the watercourse, public sewer or drain belongs to the Environment Agency and an environmental permit under regulation 12(1)(b) (requirement for an environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016 has been granted in respect of the discharge.

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(a) S.I. 2016/1154.  
(b) 1991 c. 57.

### **Protective work to buildings**

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

(2) Protective works may be carried out—

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

(3) For the purpose of determining how the functions under this article are to be exercised the undertaker may enter and survey any building falling within paragraph (1) and any land within its curtilage, and place on, leave on and remove from the building any apparatus and equipment for use in connection with the survey.

(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 (d), the notice must specify the protective works proposed to be carried out.

(6) Where a notice is served under paragraph (5), 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 53 (arbitration).

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

(8) Where—

- (a) protective works are carried out under this article to a building; and
- (b) within the period of 5 years beginning with the day on which the part of the authorised development carried out in the vicinity of the building is first opened for use it appears that the protective works are inadequate to protect the building against damage caused by the carrying out or use of that part of the authorised development,

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

(9) Nothing in this article relieves the undertaker from any liability to pay compensation under section 152 (compensation in case where no right to claim in nuisance) of the 2008 Act.

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

(11) Subject to paragraph (6), Section 13(a) (refusal to give possession to acquiring authority) of the 1965 Act applies to entry onto, or possession of, land under this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 (application of compulsory acquisition provisions)(b) of the 2008 Act.

(12) 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;
- (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; and
- (c) any works the purpose of which is to secure the safe operation of the authorised development or to prevent or minimise the risk to such operation being disrupted.

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

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

- (a) survey or investigate the land (including any watercourses, groundwater, static water bodies or vegetation on the land);
- (b) without limitation to the scope of sub-paragraph (a), make any excavations, trial holes, boreholes and other investigations in such positions on the land as the undertaker thinks fit to investigate the nature of the surface layer, subsoil, ground water, underground structures, foundations, and plant or apparatus and remove soil and water samples and discharge water from sampling operations on to the land;
- (c) without limitation to 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 of trial holes, boreholes or excavations.

(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, and such notice must indicate 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 onto the land such vehicles and equipment as are necessary to carry out the survey or investigation or to make the trial holes, boreholes or excavations.

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

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

but such consent must not be unreasonably withheld or delayed.

(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 authority conferred by this article, such compensation to be determined, in case of dispute, under Part 1 (determination of questions of disputed compensation) of the 1961 Act.

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

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



(6) If either a highway authority or street authority which receives an application for consent under paragraph (4) fails to notify the undertaker of its decision within 56 days of receiving the application for consent, that authority will be deemed to have granted consent.

(7) Section 13 (refusal to give permission to the 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

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

**25.**—(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, or property within the authorised development.

(2) In carrying out any activity authorised by paragraph (1), the undertaker must do no unnecessary damage to any tree or shrub and must pay compensation to any person for any loss or damage arising from such activity.

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

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

(5) The powers conferred by paragraphs (1) and (4) remove any obligation upon the undertaker to secure any consent under the Hedgerow Regulations 1997(a) in undertaking works pursuant to paragraphs (1) or (4).

(6) In this article "hedgerow" has the same meaning as in the Hedgerow Regulations 1997 and includes important hedgerows.

### **Removal of human remains**

**26.**—(1) In this article "the specified land" means any land within the Order limits.

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

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

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

(4) As soon as reasonably practicable after the first publication of a notice under paragraph (3) the undertaker is to send a copy of the notice to the relevant planning authority.

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

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(a) S.I. 1997/1160.

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

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

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

(7) The undertaker is to pay the reasonable expenses of removing and re-interring or cremating the remains of any deceased person under powers conferred by this article.

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

(9) If—

- (a) within the period of 56 days referred to in paragraph (5) no notice under that paragraph has been given to the undertaker in respect of any remains in the specified land; or
- (b) such notice is given and no application is made under paragraph (8) within 56 days after the giving of the notice but the person who gave the notice fails to remove the remains within a further period of 56 days; or
- (c) within 56 days after any order is made by the county court under paragraph (8) any person, other than the undertaker, specified in the order fails to remove the remains; or
- (d) it is determined that the remains to which any such notice relates cannot be identified,

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

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

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

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

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

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

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

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

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

## PART 5

### POWERS OF ACQUISITION AND POSSESSION

#### Compulsory acquisition of land

27.—(1) The undertaker may—

- (a) acquire compulsorily so much of the Order land as is required for the authorised development, or to facilitate it, or is incidental to it, or is required as replacement land; and
- (b) use any land so acquired for the purposes authorised by this Order or for any other purposes in connection with or ancillary to the undertaking.

(2) This article is subject to article 31 (time limit for exercise of authority to acquire land compulsorily), article 28 (compulsory acquisition of rights and imposition of restrictive covenants), article 35 (acquisition of subsoil and airspace only), article 36 (rights under or over streets), article 44 (crown rights) and Schedule 9 (protective provisions).

#### Compulsory acquisition of rights and imposition of restrictive covenants

28.—(1) Subject to paragraphs (2) to (4), the undertaker may acquire compulsorily such rights over the Order land or impose restrictive covenants affecting that land, as may be required for any purpose for which that land may be acquired under article 27 (compulsory acquisition of land) by creating them as well as acquiring rights already in existence.

(2) In the case of the Order land specified in column (1) of Schedule 7 (land in which only new rights etc. may be acquired) the undertaker's powers of compulsory acquisition are limited to the acquisition of such wayleaves, easements, new rights in the land or the imposition of restrictive covenants, as may be required for the purpose specified in relation to that land in column (2) of that Schedule.

(3) Subject to Schedule 2A (counter-notice requiring purchase of land not in notice to treat) of the 1965 Act, as modified by Schedule 8 of this Order (modification of compensation and compulsory purchase enactments for creation of new rights and imposition of restrictive covenants), where the undertaker acquires a right over land or the benefit of a restrictive covenant affecting land under paragraph (1) or (2), the undertaker is not required to acquire a greater interest in that land.

(4) Schedule 8 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.

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

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

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<sup>(a)</sup> 1857 c. 81.

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

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

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

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

**30.**—(1) The carrying out or use of development authorised by this Order and the doing of anything else authorised by this Order is authorised for the purpose specified in section 158(2) of the 2008 Act (nuisance: statutory authority), notwithstanding that it involves—

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

(2) The undertaker shall pay compensation to any person whose land is injuriously affected by—

- (a) an interference with an interest or right to which this article applies; or
- (b) a breach of a restriction as to user of land arising by virtue of contract, authorised by virtue of this Order and the operation of section 158 of the 2008 Act.

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

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

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

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

**31.**—(1) After the end of the period of ten years beginning on the start date—

- (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 34 (application of the 1981 Act and modification of the 2017 Regulations),

in relation to any part of the Order land.

### **Private rights of way**

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

- (a) the date of acquisition of the land by the undertaker, whether compulsorily or by agreement; or
- (b) the date of entry on the land by the undertaker under section 11(1) (powers of entry) of the 1965 Act.

(2) Subject to the provisions of this article, all private rights of way over land owned by the undertaker that are within the Order land are extinguished at the start of any activity authorised by this Order which interferes with or breaches those rights.

(3) Subject to the provisions of this article, all private rights of way over land of which the undertaker takes temporary possession under this Order are suspended and unenforceable for as long as the undertaker remains in lawful possession of the land.

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

(5) This article does not apply in relation to any right to which section 138 (extinguishment of rights, and removal of apparatus, of statutory undertakers etc.) of the 2008 Act or article 41 (statutory undertakers) applies.

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

(a) any notice given by the undertaker before—

(i) the completion of the acquisition of the land or the acquisition of the rights over or the imposition of the restrictive covenant 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.

(7) Where an agreement referred to in paragraph (6)(b)—

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

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

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

### **Modification of the 1965 Act**

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

(a) in section 4A(1)(a) (extension of time limit during challenge)—

(i) for “section 23 of the Acquisition of Land Act 1981 (application to High Court in respect of compulsory purchase order)” substitute “section 118 (legal challenges relating to applications for orders granting development consent) of the Planning Act 2008”; and

(ii) for “the three year period mentioned in section 4” substitute “the period of ten years as set out in article 31 (time limit for exercise of authority to acquire land compulsorily) of the Gatwick Airport (Northern Runway Project) Development Consent Order 202[ ]”.

(2) In section 11A (powers of entry: further notices of entry)(b)—

(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) (interests omitted from purchase), for “section 4 of this Act” substitute “article 31 (time limit for exercise of authority to acquire land compulsorily) of the Gatwick Airport (Northern Runway Project) Development Consent Order 202[ ]”.

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(a) Section 4A(1) was inserted by section 202(1) of the Housing and Planning Act 2016 (c. 22).

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

(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 35 (acquisition of subsoil or airspace only) of the Gatwick Airport (Northern Runway Project) Development Consent Order 202[ ], 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 23 (protective work to buildings), 37 (temporary use of land for carrying out the authorised development) or 39 (temporary use of land for maintaining the authorised development) of the Gatwick Airport (Northern Runway Project) Development Consent Order 202[ ].”.

### **Application of the 1981 Act and modification of the 2017 Regulations**

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

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

(3) In section 1 (application of Act), in subsection (1), omit the words “in themselves”.

(4) 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.”.

(5) In section 4 (execution of declaration), for subsection (1) substitute—

“(1) The acquiring authority may execute in respect of any of the land which they are authorised to acquire by the compulsory purchase order a declaration in the prescribed form vesting the land in themselves, or in the case of a right that they are expressly authorised to acquire for the benefit of a third party in the third party in question, from the end of such period as may be specified in the declaration (not being less than 3 months from the date on which the service of notices required by section 6 below is completed).”.

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

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

(8) In section 5B(1) (extension of time limit during challenge)(c)—

(a) for “section 23 of the Acquisition of Land Act 1981 (application to High Court in respect of compulsory purchase order)” substitute “section 118 (legal challenges relating to applications for orders granting development consent) of the Planning Act 2008”; and

(b) for “the three year period mentioned in section 5A” substitute “the period of ten years as set out in article 31 (time limit for exercise of authority to acquire land compulsorily) of the Gatwick Airport (Northern Runway Project) Development Consent Order 202[ ]”.

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

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(a) Section 5 was amended by Schedule 15 to the Housing and Planning Act 2016 (c. 22).

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

(c) Section 5B(1) was inserted by section 202(2) of the Housing and Planning Act 2016 (c. 22).

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

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

(11) In section 8 (vesting, and right to enter and take possession), after subsection (3), insert—

“(4) In this section references to the acquiring authority include any third party referred to in section 4(1).”.

(12) In section 10 (acquiring authority’s liability arising on vesting of the land), in subsection (1), after “vested in an acquiring authority” insert “or a third party”.

(13) In section 11 (recovery of compensation overpaid), for subsection (1) substitute—

“(1) This section applies where after the execution of a general vesting declaration a person (“the claimant”) claims compensation in respect of the acquisition of an interest in land by virtue of the declaration, and the acquiring authority pay compensation in respect of that interest.”.

(14) In Schedule A1 (counter-notice requiring purchase of land not in general vesting declaration)(b), omit paragraph 1(2).

(15) References to the 1965 Act in the 1981 Act are to be construed as references to the 1965 Act as applied by section 125 (application of compulsory acquisition provisions) of the 2008 Act as modified by article 33 (modification of Part 1 of the 1965 Act) to the compulsory acquisition of land under this Order.

(16) Schedule 1 to the 2017 Regulations is modified as follows.

(17) 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—

“(1A) 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 vests 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.”.

(18) References in Form 2 to “in themselves” is substituted with “in themselves and any identified third parties”.

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

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

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

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

**35.**—(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 27 (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 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 (as modified by article 33 (modification of the 1965 Act));

(b) Schedule A1 (counter-notice requiring purchase of land not in general vesting declaration) to the 1981 Act; and

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

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

(c) section 153(4A) (blighted land: proposed acquisition of part interest; material detriment test)(a) of the Town and Country Planning Act 1990(b).

(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**

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

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

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

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

(4) Subject to paragraph (5), any person who is an owner or occupier of land in respect of which the power of appropriation conferred by paragraph (1) is exercised without the undertaker acquiring any part of that person's interest in the land, and who suffers loss as a result, will be entitled to compensation to be determined, in case of dispute, under Part 1 (determination of questions of disputed compensation) of the 1961 Act.

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

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

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

- (a) enter on and take temporary possession of any Order land in respect of which no notice of entry has been served under section 11 (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;
- (b) remove any buildings, apparatus, fences, landscaping, debris, electric line, electrical plant, structures and vegetation from that land;
- (c) use any private road within the Order land for the passage of persons or vehicles (with or without materials, plant and machinery);
- (d) construct temporary or permanent works (including the provision of means of access) or buildings on that land; and
- (e) construct any works on that land as are mentioned in Schedule 1 (authorised development), or any other mitigation works.

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

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

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(a) Subsection (4A) of section 153 was inserted by section 200(1) and (2) of the Housing and Planning Act 2016 (c. 22).  
(b) 1990 c. 8.



- (a) 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 (powers of entry) of the 1965 Act or made a declaration under section 4 (execution of declaration) of the 1981 Act in relation to that land.
- (4) Before giving up possession of land of which temporary possession has been taken under this article, the undertaker must, unless otherwise agreed with the owners of the land, 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);
  - (c) restore the land to a condition better than the relevant land was in before the temporary possession;
  - (d) remove any ground strengthening works which have been placed on the land to facilitate construction of the authorised development;
  - (e) remove any measures installed over or around statutory undertakers' apparatus to protect that apparatus from the authorised development; or
  - (f) remove or reposition any apparatus belonging to statutory undertakers or 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 (determination of questions of disputed compensation) of the 1961 Act.
- (7) Any dispute as to the satisfactory removal of temporary works and restoration of land under paragraph (4) does not prevent the undertaker giving up possession of the land.
- (8) Subject to article 49 (no double recovery), nothing in this article affects any liability to pay compensation under section 152 (compensation in case where no right to claim in nuisance) of the 2008 Act or under any other enactment in respect of loss or damage arising from the carrying out of the authorised development, other than loss or damage for which compensation is payable under paragraph (5).
- (9) Where the undertaker takes possession of land under this article, the undertaker is not required to acquire the land or any interest in it.
- (10) Section 13(a) (refusal to give possession to acquiring authority) of the 1965 Act applies to the temporary use of land under this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 of the 2008 Act (application of compulsory acquisition provisions).
- (11) Nothing in this article prevents the taking of temporary possession more than once in relation to any land specified in paragraph (1).

**Time limit for exercise of authority to temporarily use land for carrying out the authorised development**

**38.—**(1) Subject to paragraph (2), the authority to enter onto land pursuant to article 37 (temporary use of land for carrying out authorised development) ceases to apply to any land after the period of ten years beginning on the start date.

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

(2) Paragraph (1) will not prevent the undertaker remaining in possession of land after the end of that period, if the land was entered and possession was taken before the end of that period.

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

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

- (a) enter on and take temporary possession of any Order land if such possession is reasonably required for the purpose of maintaining the authorised development;
- (b) enter on any Order land 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 within the Order 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 14 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 and explain the purpose for which entry is taken.

(4) The undertaker is not required to serve notice under paragraph (3) where the undertaker has identified a potential risk to the safety of—

- (a) the authorised development or any of its parts;
- (b) the public; and/or
- (c) the surrounding environment,

and in such circumstances, the undertaker may enter the land under paragraph (1) subject to giving such notice as is reasonably practicable in the circumstances.

(5) 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.

(6) 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.

(7) Any dispute as to the removal of temporary works and restoration of land under paragraph (6) does not prevent the undertaker giving up possession of the land.

(8) 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.

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

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

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

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

(13) In this article “maintenance period”, in relation to any part of the authorised development, means the period of 5 years beginning with the date on which—

- (a) that part of the authorised development is first opened for public use (where that part of the authorised development is intended to be used by the public); or
- (b) in respect of any other part of the authorised development, that part is first brought into operational use by the undertaker.

### **Special category land**

**40.**—(1) On the exercise by the undertaker of the Order rights, the special category land identified in Part 1 of Schedule 10 is not to vest in the undertaker until the undertaker has acquired the replacement land (to the extent not already in its ownership) and an open space management plan has been submitted to, and approved in writing by, the relevant planning authority.

(2) The open space management plan submitted under paragraph (1) must be in general accordance with the outline landscape and ecology management plan.

(3) On the requirements of paragraph (1) being satisfied, the special category land identified in Part 1 of Schedule 10 is to vest in the undertaker (or any specified person) and be discharged from all rights, trusts and incidents to which it was previously subject.

(4) The undertaker must implement the open space management plan approved by the relevant planning authority under paragraph (1) and on the date on which the replacement land is laid out and provided in accordance with that plan, the replacement land is to vest in the persons in whom the special category land specified in paragraph (1) was vested on the date of the exercise of the Order powers (if the replacement land is not already owned by those persons) and is to be subject to the same rights, trusts and incidents as attached to the special category land.

(5) In this article—

“Order rights” means rights and powers exercisable over the special category land by the undertaker under article 27 (compulsory acquisition of land) and article 28 (compulsory acquisition of rights and imposition of restrictive covenants);

“outline landscape and ecology management plan” means the document certified as such by the Secretary of State under article 51 (certification of documents, etc.); and

“specified person” means a person other than the undertaker for whose benefit the replacement land or rights are being acquired.

### **Statutory undertakers**

**41.**—(1) Subject to the provisions of Schedule 9 (protective provisions), the undertaker may—

- (a) acquire compulsorily the land belonging to statutory undertakers within the Order land and described in the book of reference;
- (b) acquire existing rights, create and acquire new rights and impose restrictive covenants over the land belonging to statutory undertakers within the Order land and described in the book of reference;
- (c) extinguish or suspend the rights of, or remove, alter, renew, relocate or reposition apparatus belonging to, statutory undertakers over or within the Order land;
- (d) construct the authorised development in such a way as to cross underneath or over apparatus belonging to statutory undertakers and other like bodies within the Order land;
- (e) construct over existing apparatus belonging to statutory undertakers any necessary track or roadway (whether temporary or permanent) together with the right to maintain or remove the same, and install such service media under or over the existing apparatus needed in connection with the authorised development; and
- (f) remove or reposition apparatus belonging to statutory undertakers which is laid beneath any of the streets within the Order land.

### **Apparatus and rights of statutory undertakers in stopped-up streets**

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

(2) Where a street is stopped up under article 13 any statutory undertaker 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 statutory undertaker 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 undertaker an amount equal to the cost reasonably incurred by the statutory undertaker 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 undertaker by virtue of paragraph (3) is to be reduced by the amount of that excess.

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

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

(6) An amount which, apart from this paragraph, would be payable to a statutory undertaker 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 statutory undertaker any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.

(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 (street works in England and Wales) 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 undertaker” 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**

**43.**—(1) Where any apparatus of a public utility undertaker or of a public communications provider is removed under article 41 (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 41, 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 42 (apparatus and rights of statutory undertakers in stopped-up streets) or Part 3 of the 1991 Act applies.

(4) In this article—

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

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

### **Crown rights**

**44.**—(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 or any licensee to take, use, enter upon or in any manner interfere with any land or rights of any description—

(a) belonging to His 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 His 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 His 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 acquisition of an interest in any Crown Land (as defined in the 2008 Act) which is for the time being held otherwise than by or on behalf of the Crown.

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(a) 2003 c. 21. There are amendments to this Act which are not relevant to this Order.

(b) 2003 c. 21. There are amendments to this Act which are not relevant to this Order.

(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.

#### **Use of airspace within the Order land**

**45.**—(1) The undertaker may enter into and use so much of the airspace over any land within the Order land as may be required for the construction, operation and maintenance of the authorised development and may use the airspace for those purposes or any other purposes ancillary to the authorised development.

(2) The undertaker may exercise any power conferred by paragraph (1) in relation to land without being required to acquire any part of the land or any easement or right in the land.

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

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

## **PART 6**

### **MISCELLANEOUS AND GENERAL**

#### **Disapplication of legislative provisions**

**46.**—(1) The following provisions do not apply in relation to the construction of any work or the carrying out of any operation required for the purpose of, or in connection with, the construction or maintenance of the authorised development—

- (a) section 23 (prohibition of obstructions etc. in watercourses), 30 (authorisation of drainage works in connection with a ditch) and 32 (variation of awards) of the Land Drainage Act 1991; and
- (b) the provisions of any byelaws made under section 66 (powers to make byelaws) of the Land Drainage Act 1991.

(2) The provisions of the Neighbourhood Planning Act 2017<sup>(a)</sup>, in so far as they relate to the temporary possession of, or entry into, land under this Order, do not apply in relation to the construction of any work or the carrying out of any operation required for the purpose of, or in connection with, the construction of the authorised development and, within the maintenance period defined in article 39(13), any maintenance of any part of the authorised development.

(3) Notwithstanding the provisions of section 208 of the 2008 Act, for the purposes of regulation 6 of the Community Infrastructure Levy Regulations 2010<sup>(b)</sup> any building comprised in the authorised development is deemed to be—

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

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

**47.**—(1) This article applies to—

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(a) 2017 c. 20.  
(b) S.I. 2010/948.

- (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 or operation of the authorised development, or any part of it, so far as any such agreement relates to the terms on which any land which is the subject of a lease granted by or under that agreement is to be provided for that person's use.
- (2) No enactment or rule of law regulating the rights and obligations of landlords and tenants prejudices the operation of any agreement to which this article applies.
- (3) No such enactment or rule of law applies in relation to the rights and obligations of the parties to any lease granted by or under any such agreement so as to—
- (a) exclude or in any respect modify any of the rights and obligations of those parties under the terms of the lease, whether with respect to the termination of the tenancy or any other matter;
  - (b) confer or impose on any such party any right or obligation arising out of or connected with anything done or omitted on or in relation to land which is the subject of the lease, in addition to any such right or obligation provided for by the terms of the lease; or
  - (c) restrict the enforcement (whether by action for damages or otherwise) by any party to the lease of any obligation of any other party under the lease.

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

**48.**—(1) Where proceedings are brought under section 82(1) (summary proceedings by persons aggrieved by statutory nuisances) of the Environmental Protection Act 1990(a) in relation to a nuisance falling within paragraph (c), (d), (e), (fb), (g), (ga) and (h) of section 79(1) (statutory nuisances and inspections therefor) of that Act no order is to be made, and no fine may be imposed, under section 82(2) of that Act if the defendant shows that the nuisance—

- (a) relates to premises used by the undertaker for the purposes of or in connection with the construction, maintenance or operation of the authorised development and that the nuisance is attributable to the carrying out of the authorised development in accordance with—
    - (i) a notice served under section 60 (control of noise on construction sites) of the Control of Pollution Act 1974; or
    - (ii) a consent given under section 61 (prior consent for work on construction sites) of the Control of Pollution Act 1974(b); or
  - (b) is a consequence of the construction, maintenance or operation of the authorised development and that it cannot reasonably be avoided.
- (2) For the purposes of paragraph (1), compliance with the controls and measures described in the code of construction practice will be sufficient, but not necessary, to show that an alleged nuisance could not reasonably be avoided.

(3) Section 61(9) (consent for work on construction site to include statement that it does not of itself constitute a defence to proceedings under section 82 of the Environmental Protection Act 1990) of the Control of Pollution Act 1974 does not apply where the consent relates to the use of premises by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised development.

(4) In this article “premises” has the same meaning as in section 79 of the Environmental Protection Act 1990.

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(a) 1990 c. 43. There are amendments to this Act which are not relevant to this Order.

(b) 1974 c. 40. Sections 61(9) and 65(8) were amended by section 162 of, and paragraph 15 of Schedule 3 to, the Environmental Protection Act 1990 (c. 43). There are other amendments to the 1974 Act which are not relevant to this Order.

### **No double recovery**

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

### **Protection of interests**

50. Schedule 9 (protective provisions) to the Order has effect.

### **Certification of documents, etc.**

51.—(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 12 (documents to be certified) to the Secretary of State for certification that they are true copies of those plans and documents.

(2) Where any plan or document set out in Schedule 12 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**

52.—(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 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.

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(a) 1978 c. 30.



(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 will be taken to be fulfilled only where—

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

(6) Where the recipient of a notice or other document served or sent by electronic transmission notifies the sender within 7 days of receipt that the recipient requires a paper copy of all or part of that notice or other document the sender will 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 will be final and will take 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 will not be taken to 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**

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

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

**54.**—(1) Schedule 11 (procedure for approvals, consents and appeals) is to have effect in relation to all consents, agreement or approvals granted, refused or withheld in relation to the requirements unless otherwise agreed between the undertaker and the discharging authority.

(2) The procedure set out in paragraph (1) relating to the appeal process of Schedule 11 has effect in relation to any other consent, agreement or approval required under this Order (including the requirements in Schedule 2 of this Order) where such consent, agreement or approval is granted subject to any condition to which the undertaker objects, or is refused or is withheld.

Date \_\_\_\_\_  
Department \_\_\_\_\_  
Signed \_\_\_\_\_  
Title \_\_\_\_\_

**Comment [ERR3]:**  
Warning only Low impact [e00120]  
NOT GLOBAL The signature date  
has not yet been completed

# SCHEDULES

## SCHEDULE 1

Article 2

### Authorised Development

*In the administrative area of Crawley Borough Council, Reigate and Banstead Borough Council, Mole Valley District Council and Tandridge District Council*

A nationally significant infrastructure project as defined in sections 14 (nationally significant infrastructure projects: general), 22 (highways) and 23 (airports) of the 2008 Act; and associated development as defined in section 115(2) of the 2008 Act, comprising as follows—

#### *Airfield*

##### **Work No. 1**

Works to reposition the northern runway 12 metres to the north of the existing northern runway.

##### **Work No. 2**

Works to construct the East-West Grasscrete Access Track between the Northern Runway and the Main Runway.

##### **Work No. 3**

Works to convert three existing stands to remote stands and taxiways west of Pier 3.

##### **Work No. 4**

Works relating to the runways and taxiways:

- (a) works to reposition Taxiway Juliet East (Code C) between Taxiway Quebec and Taxiway Uniform;
- (b) works to reposition and upgrade runway exits from the Northern Runway to Taxiway Juliet;
- (c) works to extend Taxiway Lima westward including works to:
  - (i) remove substation BJ;
  - (ii) construct pumping station 7a;
  - (iii) remove a stand;
  - (iv) construct a stand north-east of Hangar 7;
  - (v) re-configure existing remote stands;
  - (vi) remove car park hardstanding and facilities.
- (d) works to construct the Taxiway Tango cut-through to the extended Taxiway Lima;
- (e) works to reposition and upgrade the runway exits from the Main Runway to the Northern Runway;
- (f) works to construct the End Around Taxiway West;
- (g) works to upgrade and extend the End Around Taxiway East (Yankee);
- (h) works to realign and upgrade Taxiway Juliet West, including the relocation of substation BK;

- (i) works to construct the Taxiway Juliet West Spur;
- (j) works to upgrade existing taxiways including:
  - (i) Taxiway Uniform;
  - (ii) Taxiway Whiskey;
  - (iii) Taxiway Zulu.

**Work No. 5**

Works to reconfigure the Aircraft Holding Area (Charlie Box) including works to:

- (a) relocate substation BR;
- (b) remove the old airside operations building;
- (c) remove pumping station 17;
- (d) relocate de-icer storage tanks;
- (e) relocate substation BP;
- (f) re-configure existing stands;
- (g) construct taxiways and operational aircraft hold points.

**Work No. 6**

Works to construct Pier 7 including works to:

- (a) construct a three-floor pier;
- (b) construct the Pier 7 Autonomous Vehicle Station;
- (c) re-configure existing stands;
- (d) construct 14 new stands;
- (e) construct a new substation;
- (f) remove car park hardstanding and facilities.

**Work No. 7**

Works to construct the Oscar Area including works to:

- (a) construct connections to Taxiway Juliet and Taxiway Tango;
- (b) relocate substation A;
- (c) construct eight remote stands.

*Reconfiguration of Existing Airport Facilities*

**Work No. 8**

Works to remove the airside support facilities including:

- (a) the Central Area Recycling Enclosure (CARE);
- (b) Motor Transport Facilities;
- (c) Grounds Maintenance Facilities;
- (d) Surface Transport Facilities;
- (e) Rendezvous Point North;
- (f) the Emergency Air Traffic Control Tower.

**Work No. 9**

Works to construct the replacement Central Area Recycling Enclosure (CARE) including:

- (a) 650kw biomass boiler;
- (b) 450kw biomass boiler;
- (c) a materials recovery facility;
- (d) a baled waste storage area;
- (e) one stack;
- (f) parking.

**Work No. 10**

Works to construct the replacement Motor Transport Facilities including:

- (a) a parts store;
- (b) a ramps, pits and tyre store;
- (c) a test area;
- (d) a workshop;
- (e) a heavy goods vehicle (HGV) refuelling area;
- (f) a vehicle wash area;
- (g) office areas;
- (h) works to remove car park hardstanding and facilities.

**Work No. 11**

Works to construct the replacement Grounds Maintenance Facilities including:

- (a) an open vehicle shed;
- (b) a closed tool shed;
- (c) a COSHH unit;
- (d) an office area;
- (e) parking;
- (f) a green waste compost area;
- (g) vehicular access.

**Work No. 12**

Works to construct the replacement Airfield Surface Transport Facility including:

- (a) an open vehicle shed;
- (b) a grit and salt store;
- (c) parking.

**Work No. 13**

Works to construct the replacement Rendezvous Point North, including removal of car park hardstanding and facilities.

**Work No. 14**

Works to relocate the Fire Training Ground including works to:

- (a) relocate Substation J;

- (b) remove existing structures on the Fire Training Ground;
- (c) construct structures for the Fire Training Ground.

**Work No. 15**

Works to construct the Satellite Airport Fire Service Facility.

**Work No. 16**

Works to construct a new hangar, including removal of car park hardstanding and facilities.

**Work No. 17**

Works to reconfigure the Hangar 7 support structures including works to:

- (a) remove existing structures;
- (b) construct support structures.

**Work No. 18**

Works to reconfigure the western noise mitigation bund including works to:

- (a) remove the existing noise bund;
- (b) construct the replacement noise bund and wall.

**Work No. 19**

Works to construct pumping station 2a.

**Work No. 20**

Works to relocate Larkins Road.

**Work No. 22**

Works associated with the North Terminal Building including works to:

- (a) extend the International Departure Lounge on Levels 20, 30 and 40 to the north;
- (b) extend the International Departure Lounge on Levels 10, 20 and 30 to the south;
- (c) extend the baggage hall and baggage reclaim;
- (d) construct the North Terminal Autonomous Vehicle station;
- (e) construct the Autonomous Vehicle Maintenance Building;
- (f) reconfigure internal facilities;
- (g) a multi-storey car park.

**Work No. 23**

Works associated with the South Terminal Building including works to:

- (a) extend the International Departure Lounge on levels 10, 20, 30, and 40;
- (b) reconfigure internal facilities;
- (c) construct the South Terminal Autonomous Vehicle Station;
- (d) construct additional coaching gates.

**Work No. 24**

Works to upgrade the North Terminal Forecourt including access roads.

**Work No. 25**

Works to upgrade the South Terminal Forecourt including access roads.

**Work No. 26**

Works to construct a hotel.

**Work No. 27**

Works to construct a hotel.

**Work No. 28**

Works associated with the Car Park H Site including works to:

- (a) construct a hotel;
- (b) construct an office;
- (c) construct a multi-storey car park;
- (d) demolition of Car Park H;
- (e) external vehicle and pedestrian accesses.

**Work No. 29**

Works to convert the existing Destination Place office into a hotel.

**Work No. 30**

Works to construct Car Park Y including:

- (a) earthworks to enable provision of a water attenuation facility storage tank of up to 32,000m<sup>3</sup>;
- (b) a multi-storey car park.

**Work No. 31**

Works associated with Car Park X including:

- (a) earthworks and landscaping;
- (b) constructing a flood compensation area;
- (c) construction of an outfall structure;
- (d) access improvements;
- (e) deck parking provision, a re-provision of Purple Parking;
- (f) surface parking amendments.

**Work No. 32**

Works to construct decked parking at North Terminal Long Stay

**Work No. 33**

Works associated with the existing car park including:

- (a) removal of existing decking;
- (b) partial removal of existing surface parking;
- (c) erection of a fenceline;
- (d) re-configuration of remaining surface parking.

**Work No. 34**

Works to:

- (a) remove Car Park B South;
- (b) remove Car Park B North;
- (c) deliver replacement open space.

*Surface Access Works*

**Work No. 35**

Works associated with the South Terminal Junction Improvements including:

*Highway*

- (a) The widening and realignment of the mainline carriageway of Gatwick Spur/Airport Way, approximately 1740m long, to include a new flyover over the South Terminal Roundabout and the provision of a third lane eastbound on Gatwick Spur between South Terminal Roundabout and M23 Junction 9;
- (b) Construction of a new eastbound merge slip road (Gatwick Spur Eastbound Merge), approximately 330m long, from South Terminal Roundabout to Gatwick Spur;
- (c) Construction of a new westbound diverge slip road (Gatwick Spur Westbound Diverge), approximately 420m long, from Gatwick Spur to the South Terminal Roundabout;
- (d) Realignment of the existing South Terminal Roundabout;
- (e) Construction of a new eastbound diverge slip road (Airport Way Eastbound Diverge), approximately 265m long, from Airport Way to South Terminal Roundabout;
- (f) Construction of a new westbound merge slip road (Airport Way Westbound Merge), approximately 275m long, from South Terminal Roundabout to Airport Way;
- (g) Realignment and widening of the existing Ring Road North, approximately 80m long;
- (h) Realignment and widening of the existing Ring Road South, approximately 85m long;
- (i) Realignment and widening of the existing B2036 Balcombe Road, approximately 160m long;
- (j) Construction of a new footway connection for pedestrians between B2036 Balcombe Road and Ring Road South, approximately 380m long;

*Structures*

- (a) The construction of a 230m long retaining wall, to the northeast of Balcombe Road Underbridge (Retaining Wall 27);
- (b) The construction of a 35m long retaining wall, to the southeast of Balcombe Road underbridge (Retaining Wall 37);
- (c) The construction of a 45m long retaining wall, between Gatwick Spur Westbound Diverge and Gatwick Spur (Retaining Wall 39);
- (d) The construction of a 25m long retaining wall, between Gatwick Spur Eastbound merge and Gatwick Spur (Retaining Wall 40);

- (e) The construction of a replacement bridge (Balcombe Road Underbridge) to carry Gatwick Spur, Gatwick Spur Eastbound Merge and Gatwick Spur Westbound Diverge over B2036 Balcombe Road;
- (f) The construction of a new 170m retaining wall, between the southern side of Balcombe Road underbridge and South Terminal Roundabout (Retaining Wall 38);
- (g) The construction of a new 160m long retaining wall, between Gatwick Spur Eastbound Merge and Gatwick Spur (Retaining Wall 26);
- (h) The construction of a new 165m long retaining wall, between Gatwick Spur Westbound Diverge and Gatwick Spur (Retaining Wall 23);
- (i) The construction of a new flyover structure (South Terminal Flyover Bridge), to carry the Gatwick Spur/Airport Way dual carriageway over South Terminal Roundabout;
- (j) The construction of a new 160m long retaining wall, between Airport Way Eastbound Diverge and Airport Way (Retaining Wall 25);
- (k) The construction of a new 180m long retaining wall, between Airport Way Westbound Merge and Airport Way (Retaining Wall 24);
- (l) The construction of a new 370m long retaining wall, on the southern side of the Airport Way Westbound Merge, East of the Airport Way Rail Bridge (Retaining Wall 22);

*Drainage*

- (a) The construction of a new land drainage ditch to the south of Gatwick Spur Westbound diverge;
- (b) The modification of the existing Balcombe Road Culvert East under Gatwick Spur to the east of B2036 Balcombe Road;
- (c) The construction of a new attenuation pond (Pond 1), with an approximate capacity of 2,900m<sup>3</sup>, with associated drainage facilities, access and landscaping located to the northeast of South Terminal Roundabout;
- (d) The construction of a new proposed culvert (Balcombe Road Culvert West) on the western side of B2036 Balcombe Road;

**Work No. 36**

Works associated with the North Terminal Junction Improvements including:

*Highways*

- (a) The widening and realignment of the existing A23 London Road between the Airport Way Bridge over A23 London Road and the new A23 London Road / North Terminal Link Signal-Controlled Junction, approximately 545m long;
- (b) The construction of a new signal-controlled junction (A23 London Road / North Terminal Link Signal-Controlled Junction) for the interface between A23 London Road and the new North Terminal Link;
- (c) The widening and realignment of the existing A23 London Road between the new A23 London Road / North Terminal Link Signal-Controlled Junction and the A23 London Road bridge over the River Mole, approximately 480m long, to include the provision of three lanes northbound between the North Terminal Flyover Link merge and the A23 London Road bridge over the River Mole;
- (d) Realignment and widening of the existing Airport Way Westbound between the Airport Way Rail Bridge and the new North Terminal Flyover Link, approximately 550m long, to include the provision of a third lane westbound;
- (e) Realignment and reconfiguration of the existing diverge from A23 London Road to Airport Way Eastbound (A23 London Road Diverge to Airport Way Eastbound), approximately 635m long;



- (f) Construction of a new flyover link (North Terminal Flyover Link) over the North Terminal Roundabout between Airport Way Westbound and A23 London Road Northbound, approximately 650m long;
- (g) Construction of a new diverge from Airport Way Westbound to North Terminal Roundabout (Airport Way Diverge to North Terminal Roundabout), approximately 425m long;
- (h) Realignment and widening of the existing North Terminal Roundabout;
- (i) Construction of a new left-in diverge from A23 London Road Northbound to North Terminal roundabout (A23 London Road Northbound Left-in Diverge to North Terminal Roundabout), approximately 325m long;
- (j) Construction of a new link road (North Terminal Link) from North Terminal Roundabout to a new signal-controlled junction on A23 London Road, approximately 105m long;
- (k) Realignment and widening of the existing Northway, approximately 65m long;
- (l) Realignment and widening of the existing Longbridge Way, approximately 90m long;
- (m) Realignment and widening of the existing Gatwick Way, approximately 165m long;
- (n) Realignment and widening of the existing Perimeter Road North, approximately 270m long;
- (o) Realignment and widening of the existing North Terminal Approach Road, approximately 125m long;
- (p) The construction of a new active travel path for pedestrians and cyclists between Longbridge Roundabout and North Terminal Roundabout including crossings of internal Gatwick Airport roads, approximately 775m long;
- (q) The construction of a new ramp connection for pedestrians and cyclists between A23 London Road and Riverside Garden Park, approximately 120m long;

#### *Structures*

- (a) The widening of the existing Airport Way bridge over the London to Brighton Railway (Airport Way Rail Bridge);
- (b) The construction of a new 240m long retaining wall on the southern side of Airport Way to the west of the Airport Way Rail Bridge (Retaining Wall 36);
- (c) The construction of a new flyover bridge structure (North Terminal Flyover Bridge), to carry the new North Terminal Flyover Link over the new North Terminal Link;
- (d) The construction of a new 85m long retaining wall, southeast of the North Terminal Flyover Bridge (Retaining Wall 32);
- (e) The construction of a new 160m long retaining wall, located between Airport Way Westbound Diverge to North Terminal Roundabout and the existing Inter Terminal Transit Shuttle viaduct (Retaining Wall 30);
- (f) The construction of a new 160m long retaining wall, located between North Terminal Flyover Link and A23 London Road (Retaining Wall 33);
- (g) The construction of a new 160m long retaining wall, located east from the Bridge over the River Mole, adjacent to ramp down to Riverside Garden Park (Retaining Wall 21);
- (h) The construction of a new widened bridge (A23 London Road bridge over the River Mole) to replace the existing bridge over the River Mole on A23 London Road.

#### *Drainage*

- (a) The construction of a new attenuation basin (Basin 2), with an approximate capacity of 2,000m<sup>3</sup>, with associated drainage facilities, access and landscaping located to the northeast of North Terminal Roundabout.

### **Work No. 37**

Works associated with the Longbridge Roundabout junction including:

#### *Highways*

- (a) The widening and realignment of the existing A23 London Road between Longbridge Roundabout and the A23 London Road bridge over the River Mole, approximately 130m long, to include the provision of three lanes northbound;
- (b) The widening and realignment of the existing A23 Brighton Road, approximately 220m long;
- (c) The widening and realignment of the existing A217, approximately 110m long;
- (d) The realignment of the existing Povey Cross Road, approximately 60m long;
- (e) The widening and realignment of existing Longbridge Roundabout.

#### *Structures*

- (a) The construction of a new 50m long retaining wall, northwest of the A23 London Road Bridge over the River Mole (Retaining Wall 35);
- (b) Widening of the existing Longbridge Roundabout segregated left turn lane stilt structure;
- (c) The construction of a new 35m long retaining wall, between the stilt structure and A23 Brighton Road Bridge over the River Mole (Retaining Wall 34);
- (d) The construction of a new widened bridge (A23 Brighton Road Bridge over the River Mole) to replace the existing bridge over the River Mole on A23 Brighton Road;
- (e) The construction of a new 30m long retaining wall east of the A23 Brighton Road Bridge over the River Mole (Retaining Wall 18);
- (f) The construction of a new 45m long retaining wall on the southern side of Longbridge Roundabout (Retaining Wall 19);
- (g) The construction of a new 40m long retaining wall on the northern side of Longbridge Roundabout (Retaining Wall 20).

#### *Drainage*

- (a) The construction of a new attenuation basin (Basin 3), with an approximate capacity of 600m<sup>3</sup>, with associated drainage facilities, access and landscaping located to the north of Longbridge Roundabout;
- (b) The modification of the existing A23 Brighton Road Culvert located to the east of the River Mole.

#### *Miscellaneous*

### **Work No. 38**

Works to construct the habitat enhancement area and flood compensation area at Museum Field including works to:

- (a) construct a flood compensation area;
- (b) extend Gatwick greenspace footpath;
- (c) construct a maintenance access road;
- (d) undertake earthworks, landscaping and a bund around the southern and eastern perimeter;
- (e) construct footbridge.

### **Work No. 39**

Works associated with the River Mole including works to:

- (a) divert and extend river course;
- (b) construct culverts and syphons;
- (c) construct a section of concrete channel;
- (d) remove Pond A;
- (e) connect catchment of Pond A to Pond M.

**Work No. 40**

Works associated with land to the north east of Longbridge Roundabout including:

- (a) a footbridge over the River Mole;
- (b) approximately 2ha of planting.

**Work No. 41**

Works to create an ecological area at Pentagon Field including landscaping and tree planting.

**Work No. 42**

Works to establish a habitat enhancement area along Perimeter Road East and Perimeter Road South including short scrub hedge and habitat suitable for bats along Crawler's Brook and construct a weir and a fish pass.

**Work No. 43**

Works to construct water treatment works.

*Ancillary or Related Development*

In connection with the construction of any of those works, and other development in the Order limits, ancillary or related development—

- (a) earthworks and excavations (including tunnelling, soil stripping and storage, site levelling, vegetation clearance, spoil screening / storage for re-use on site and remediation); provision of spoil retaining structures, bunds and ground terracing to formation levels; and site ground preparation works including land remediation, vegetation clearance and groundwater de-watering;
- (b) provision, protection, diversion and relocation of surface drainage systems (including swales, ditches, culverts, outfalls, ponds, basins and water treatment and pumping); foul water drainage systems (including pipework, sewage treatment plant, pumps and outfalls); utilities, including electricity, telecommunications, water and power supplies (including substations, switchgear and transformers); cables, pipes, shafts, trenches tunnels and associated access points; and associated protective works for such infrastructure (including footbridges, barriers and grates);
- (c) construction and provision of building compounds, external building plant and equipment, stacks and chimneys, access structures (including ladders, stairs and platforms) aerials and communication plant and equipment;
- (d) works to create temporary or permanent landscaping (including temporary or permanent mounds); drainage and flood compensation (including flood attenuation works); finished ground levels; means of enclosure; and reinstatement/replacement of, or construction of, boundary walls and security fences (including gates and retaining walls);
- (e) provision of permanent and temporary hard-standing areas; welfare/office accommodation, workshops and stores; secure entrances; structures and plant; site access points; security kiosks and buildings, perimeter and internal fencing; gates, barriers and bollards; vehicle and bicycle parking areas; vehicular and pedestrian access routes and internal roads; storage and handling areas; signage; CCTV poles and mountings; lighting

- poles and fittings; facilities and equipment for processing of excavated and construction materials; treatment enclosures; and any other temporary and permanent works required;
- (f) habitat creation and management;
  - (g) alteration of the layout of any street permanently or temporarily, including but not limited to increasing the width of the carriageway of the street by reducing the width of any kerb, footpath, footway, cycle track or verge within the street; altering the level or increasing the width of any such kerb, footpath, footway, cycle track or verge; and reducing the width of the carriageway of the street;
  - (h) works required for the strengthening, improvement, maintenance, or reconstruction of any street;
  - (i) ramps, means of access, non-motorised links, footpaths, footways, bridleways, cycle tracks and crossing facilities;
  - (j) embankments, viaducts, aprons, abutments, shafts, foundations, retaining walls, drainage, outfalls, ditches, pollution control devices, wing walls, highway lighting, fencing and culverts;
  - (k) street works, including breaking up or opening a street, or any sewer, drain or tunnel under it; tunnelling or boring under a street;
  - (l) works to place, alter, divert, relocate, remove or maintain the position of apparatus, services, plant and other equipment in a street, or in other land, including mains, sewers, drains, pipes, lights and cables;
  - (m) landscaping, noise 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;
  - (n) works for the benefit or protection of land affected by the authorised development;
  - (o) works to place, alter, remove or maintain road furniture;
  - (p) the felling of trees and hedgerows;
  - (q) establishment of site construction compounds, storage areas, temporary vehicle parking, construction fencing, perimeter enclosure, security fencing, construction related buildings, welfare facilities, construction lighting, haulage roads and other machinery, apparatus, works and conveniences;
  - (r) the provisions of other works including service roads, internal site roads, pavement works, kerbing and paved areas works, signing, signals, gantries, road markings works, traffic management measures including temporary roads and such other works as are associated with the construction, operation or maintenance of the authorised development; and
  - (s) such other works, working sites storage areas, works of demolition or works of whatever nature, as may be necessary or expedient for the purposes of, or for purposes associated with or ancillary to, the construction, operation or maintenance of the authorised development which do not give rise to any materially new or materially different environmental effects to those assessed in the environmental statement.

## SCHEDULE 2

### Requirements

Article 3

#### Interpretation

**1.—(1) In this Schedule—**

Each of:

“carbon action plan”;

“design and access statement”;

“noise envelope document”;

“noise insulation scheme document”;

“public rights of way management strategy”;

“outline landscape and ecology management plan”;

“outline construction traffic management plan”;

“outline construction workforce travel plan”;

“soil management strategy”;

“surface access commitments”;

“surface access drainage strategy”;

“written scheme of investigation for Surrey”; and

“written scheme of investigation for West Sussex”,

means the document of that description certified by the Secretary of State under article 51 (certification of documents, etc.);

“annual monitoring and forecasting report” means a report which is to be submitted by the undertaker to evidence compliance with:

(a) the relevant applicable noise envelope limits during the previous 12 month period of the operation of the airport; and

(b) the noise envelope limits that will be applicable within the period of five years immediately following the end of the previous 12 months of the operation of the airport,

and which shall contain all of the information identified to be required to be included within an annual monitoring and forecasting report in accordance with section 7 of the noise envelope document;

“CAA” means the Civil Aviation Authority or any successor organisation to their statutory functions;

“commencement of dual runway operations” means the first day on which commercial air transport movements are scheduled to depart from both the northern runway (Work No. 1), and the southern runway (being the airport’s main runway at the date this Order is made), which for the avoidance of doubt shall exclude any days on which both runways are used by the undertaker to test dual operations following approval by the Civil Aviation Authority for dual operations;

“commercial air transport movements” means air transport movements with the exception of diverted or emergency flights;

“emergency flights” means planned air transport movements which do not carry commercial passengers, which include but are not restricted to:

(a) flights operated by government or relief organisations for humanitarian reasons;

(b) flights operated by the armed forces for military purposes;

- (c) medical flights; or
- (d) a particular occasion or series of occasions which are to be disregarded pursuant to a notice published by the Secretary of State under section 78(4) or 78(5)(f) (regulation of noise and vibration from aircraft) of the 1982 Act or set out in guidance published by the Secretary of State in connection with those provisions;

“excepted development” means any part of the authorised development which falls within Schedule 2, Part 8, Class F of the 2015 Regulations and does not fall within the description of development in F1 of those Regulations;

“extant noise envelope review document” means the most recent approved noise envelope review document or extraordinary noise envelope review document;

“extraordinary noise envelope review document” means a noise envelope review document which may be submitted for the approval of the Secretary of State to take into account changes required to the noise envelope limits as a consequence of approved airspace change proposals or the incorporation (including the proposed incorporation) into the airline fleets operating from the airport of aircraft which provide for significant carbon emissions savings which aligns with government policy in relation to carbon emissions reduction and climate change;

“independent air noise reviewer” means the CAA;

“lead local flood authority” has the same meaning as in section 6(7) (other definitions) of the Flood and Water Management Act 2010;

“noise action plan” means a plan which details measures which are proposed to be implemented to reduce existing and/or future aircraft related noise emissions from the airport and which must include as a minimum the information identified to be required to be included within an action plan in accordance with section 7 of the noise envelope document;

“noise envelope limits” means the area enclosed by the 92 day summer season average mode noise contours for the airport specified in section 6 of the noise envelope document or detailed within the extant noise envelope review document;

“noise envelope review document” means a document which reviews the applicable air noise limits within the noise envelope document or within the extant noise envelope review document (as is relevant in the circumstances) based on past performance, air transport movements and fleet transition forecasts, any changes to aircraft routings, relevant changes to government policy, and noise modelling forecasts, and which shall be prepared by a specialist aviation forecaster in accordance with the requirements and processes detailed in section 8 of the noise envelope document;

“noise model verification report” means a report detailing the review undertaken by an independent expert with credentials to carry out that review approved by the Institute of Acoustics to verify noise monitoring data in the noise model, including the siting of the noise and track keeping terminals and processing of data, used for the purposes of the production of the noise annual monitoring and forecasting report, which shall make recommendations to improve the validity of the noise modelling in future years where identified to be necessary;

“noise insulation scheme” means the scheme to provide enhanced noise insulation measures to residential properties and schools with noise sensitive teaching spaces and to provide home relocation assistance in accordance with the noise insulation scheme document;

“noise insulation scheme inner zone” means the area which is predicted to be within the  $L_{eq\ 8\ hr}$  night 55dB contour (incorporating  $L_{eq\ 16hr}$  daytime 63dB contour) 3 years following the commencement of dual runway operations as identified in the noise insulation scheme document;

“noise insulation scheme outer zone” means the area beyond the noise insulation scheme inner zone which is predicted to be within the  $L_{eq\ 16hr}$  daytime 54dB contour 3 years following the commencement of dual runway operations as identified in the noise insulation scheme document; and

“specialist aviation forecaster” means a company with at least 5 years’ experience of providing forecasting, air service development and strategy services to major airports in the

UK and able to field suitably qualified personnel (to degree level as appropriate) to prepare air noise forecasts.

(2) References in this Schedule to part of the authorised development are to be construed as references to stages, phases or elements of the authorised development in respect of which an application is made by the undertaker under this Schedule, and references to commencement of part of the authorised development in this Schedule are to be construed accordingly.

#### **Anticipatory steps towards compliance with any requirement**

2. 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 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.

#### **Time limits and notification**

3.—(1) The authorised development must commence no later than the expiration of five years beginning on the start date.

(2) No part of the authorised development is to commence until a written notice of the works comprising that part is given to the relevant planning authority 14 days prior to the commencement of that part.

#### **Detailed design**

4.—(1) No part of the authorised development (except for the highway works and excepted development) is to commence until details of the layout, siting, scale and external appearance of the buildings, structures and works within that part have been submitted to and approved in writing by the relevant planning authority.

(2) The details referred to in sub-paragraph (1) must be in accordance with the design principles in appendix 1 of the design and access statement and engineering drawings and sections, and subject to article 6 (limits of deviation) be within the limits shown on the works plans unless otherwise agreed in writing with the relevant planning authority.

(3) The authorised development must be carried out in accordance with the details approved by the relevant planning authority under sub-paragraph (1) unless otherwise agreed in writing with the relevant planning authority.

(4) No excepted development may be carried out until the relevant planning authority has been consulted on that development.

#### **Local highway works – detailed design**

5.—(1) No part of the local highway works is to commence until details of the layout, siting, scale and external appearance of the buildings, structures and works within that part have been submitted to and approved in writing by the relevant highway authority.

(2) The details referred to in sub-paragraph (1) must be in accordance with the approved plans, the design principles in appendix 1 of the design and access statement and engineering drawings and sections, and subject to article 6 (limits of deviation) be within the limits shown on the works plans unless otherwise agreed in writing with the relevant highway authority.

(3) The local highway works must be carried out in accordance with the details approved by the relevant highway authority under sub-paragraph (1) unless otherwise agreed in writing with the relevant highway authority.

### **National highway works**

6.—(1) The undertaker must carry out the national highway works in accordance with Part 3 of Schedule 9 (protective provisions for the protection of National Highways).

(2) The undertaker must use reasonable endeavours to obtain a provisional certificate from National Highways pursuant to paragraph 8 of Part 3 of Schedule 9 in respect of the national highway works by the third anniversary of the commencement of dual runway operations, unless otherwise agreed with National Highways, said agreement not to be unreasonably withheld or delayed.

### **Code of construction practice**

7. Construction of the authorised development must be carried out substantially in accordance with the code of construction practice unless otherwise agreed with the relevant planning authority.

### **Landscape and ecology management plan**

8.—(1) Prior to commencement of any part of the authorised development, a landscape and ecology management plan for that part must be submitted to and approved by the relevant planning authority.

(2) Where a landscape and ecology management plan submitted pursuant to sub-paragraph (1) relates to highways works, the relevant planning authority must approve it in consultation with the relevant highway authority.

(3) Each landscape and ecology management plan submitted pursuant to sub-paragraph (1) must be in general accordance with the outline landscape and ecology management plan.

(4) The relevant part of the authorised development must be carried out substantially in accordance with the relevant landscape and ecology management plan approved pursuant to sub-paragraph (1).

### **Contaminated land and groundwater**

9.—(1) In respect of any part of the authorised development where historical data cannot establish that the risk of contaminated land is low, the undertaker must conduct ground investigations prior to that part of the authorised development being commenced. The scope of these investigations must be agreed with the relevant planning authority following consultation with the Environment Agency on matters related to its functions.

(2) In the event that land affected by contamination, including groundwater, is found at any time when constructing the authorised development which was not previously identified in the environmental statement, it must be reported as soon as reasonably practicable to 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.

(3) Where the undertaker determines that remediation of contamination identified in, on, or under land from detailed site investigations, or as an unexpected discovery, is necessary, a remediation strategy comprising a written scheme and programme for the remedial measures to be taken to render the land fit for its intended purpose must be submitted to and approved in writing by the relevant planning authority, following consultation with the Environment Agency on matters related to its functions.

(4) Any required and agreed remediation must be carried out in accordance with the remediation strategy approved under sub-paragraph (3).

(5) The remediation strategy submitted for approval pursuant to sub-paragraph (3) shall include a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for



longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

(6) Prior to the relevant part of the authorised development being occupied or used (as relevant) a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation will be submitted to, and approved in writing by, the relevant planning authority. The report will include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

### **Surface and foul water drainage**

**10.**—(1) No part of the authorised development (except for the highway works and excepted development) is to commence until written details of the surface and foul water drainage for that part, including means of pollution control and monitoring, have been submitted to and approved in writing by the lead local flood authority following consultation with the Environment Agency.

(2) The drainage details approved pursuant to sub-paragraph (1) must be in general accordance with the drainage design principles in appendix 1 of the design and access statement.

(3) The authorised development must be constructed in accordance with the details approved under sub-paragraph (1) unless otherwise agreed in writing by the lead local flood authority.

(4) No excepted development involving surface or foul water drainage may be carried out until the relevant planning authority has been consulted on that development.

### **Local highway surface water drainage**

**11.**—(1) No part of the local highway works is to commence until written details of the surface water drainage for that part, including means of pollution control and monitoring, have been submitted to and approved in writing by the relevant highway authority following consultation with the Environment Agency and lead local flood authority.

(2) The drainage details approved pursuant to sub-paragraph (1) must be in general accordance with the surface access drainage strategy.

(3) The local highway works must be constructed in accordance with the details approved under sub-paragraph (1) unless otherwise agreed in writing by the relevant highway authority following consultation with the lead local flood authority.

### **Construction traffic management plan**

**12.**—(1) No part of the authorised development is to commence until a construction traffic management plan has been submitted to and approved in writing by the relevant highway authority, following consultation with the relevant planning authority on matters related to its function.

(2) The construction traffic management plan submitted under sub-paragraph (1) must be substantially in accordance with the outline construction traffic management plan.

(3) The authorised development must be constructed in accordance with the construction traffic management plan referred to in sub-paragraph (1), unless otherwise agreed in writing with the relevant highway authority following consultation with the relevant planning authority on matters related to its function.

### **Construction workforce travel plan**

**13.**—(1) No part of the authorised development is to commence until a construction workforce travel plan has been submitted to and approved in writing by the relevant highway authority, following consultation with the relevant planning authority on matters related to its function.

(2) The construction workforce travel plan submitted under sub-paragraph (1) must be substantially in accordance with the outline construction workforce travel plan.

(3) The authorised development must be constructed in accordance with the construction workforce travel plan referred to in sub-paragraph (1), unless otherwise agreed in writing with the relevant highway authority following consultation with the relevant planning authority on matters related to its function.

#### **Archaeological remains**

**14.**—(1) Work No. 34(b) (Car Park B North) must be carried out in accordance with the written scheme of investigation for Surrey unless otherwise agreed in writing by Surrey County Council.

(2) The authorised development (other than Work No. 34(b)) must be carried out in accordance with the written scheme of investigation for West Sussex, unless otherwise agreed in writing with West Sussex County Council.

(3) Any archaeological remains not previously identified which are revealed when carrying out the authorised development must be retained in situ and reported to the relevant planning authority and Historic England as soon as reasonably practicable from the date they are identified.

(4) No construction operations are to take place within 10 metres of the remains referred to in sub-paragraph (3) for a period of 14 days from the date of any report under sub-paragraph (3).

(5) If the relevant planning authority determines in writing that the archaeological remains require further investigation, no construction operations are to take place within 10 metres of the remains until provision has been made for the further investigation and recording of the remains in accordance with details to be submitted to, and approved in writing by, the relevant planning authority in consultation with Historic England.

(6) Construction operations which would otherwise be prohibited by sub-paragraphs (4) or (5) shall be permitted to the extent that they are:

- (a) agreed in writing by the relevant planning authority in consultation with Historic England; or
- (b) necessary to address a potential risk identified by the undertaker to the safety of the authorised development or any of its parts, the public or the surrounding environment (in which case the undertaker must promptly notify the relevant planning authority and Historic England in writing of the operations which it has carried out).

#### **Air noise envelope**

**15.**—(1) From the commencement of dual runway operations the authorised development must be operated in accordance with the relevant noise envelope limits.

(2) The undertaker shall be required to submit annual monitoring and forecasting reports and, if necessary, noise action plans to the independent air noise reviewer in accordance with the requirements contained at section 7 of the noise envelope document.

(3) The undertaker must comply with each noise action plan which is approved following scrutiny and verification by the independent air noise reviewer or the Secretary of State (as is relevant in the circumstances), subject always to compliance with all other laws and international obligations which are applicable to the noise action plan and the measures therein contained.

(4) The undertaker must publish on a website (including a page on a website) hosted by the undertaker for that purpose each approved annual monitoring and forecasting report and noise action plan within not more than 45 days following the date on which those are approved.

(5) The undertaker shall not be permitted to declare any further capacity for commercial air transport movements from the airport where:

- (a) two consecutive annual monitoring and forecasting reports either when submitted to the independent air noise reviewer by the undertaker in accordance with sub-paragraph (2) of this requirement or when approved by the independent air noise reviewer or by the Secretary of State (as is relevant in the circumstances) identify that the same noise envelope limit has been exceeded during the previous 24 months of the operation of the airport; or

- (b) an annual monitoring and forecasting report either when submitted to the independent air noise reviewer by the undertaker in accordance with sub-paragraph (2) of this requirement or when approved by the independent air noise reviewer or by the Secretary of State (as is relevant in the circumstances) identifies that a noise envelope limit is forecast to be exceeded,

until an annual monitoring and forecasting report has been approved by the independent air noise reviewer or by the Secretary of State (as is relevant in the circumstances) which confirms compliance with the noise envelope limit identified to have not been complied with during the previous 24 months of the operation of the airport or forecast to not be complied with (as is relevant in the circumstances).

#### **Air noise envelope reviews**

**16.**—(1) The undertaker shall be required to submit noise envelope review documents to the independent air noise reviewer in accordance with the requirements contained at section 8 of the noise envelope document.

(2) The undertaker must submit a draft of any noise envelope review document to the independent air noise reviewer not less than 42 days before the submission of that noise envelope review document for approval pursuant to sub-paragraph (1) of this requirement.

(3) The noise envelope limits contained within any noise envelope review document (for the avoidance of doubt excluding any extraordinary noise envelope review document and any noise envelope review document submitted following the approval of any extraordinary noise envelope review document) must not be greater than:

(a)  $L_{eq\ 16\ hour\ day}$  51 dB 146.7 km<sup>2</sup>

(b)  $L_{eq\ 8\ hour\ night}$  45 dB 157.4 km<sup>2</sup>

(4) At any point following the commencement of dual runway operations the undertaker may submit to the Secretary of State an extraordinary noise envelope review document for approval.

(5) In the event of force majeure circumstances arising which are beyond the control of the undertaker which significantly reduce or otherwise affect operations at the airport and which have a knock-on effect on the rate of airline fleet transition the undertaker may submit a detailed written request to the Secretary of State to amend the points in time at which noise envelope review documents are required to be submitted in accordance with sub-paragraph (1) of this requirement and where approved by the Secretary of State sub-paragraph (1) shall be read as amended in accordance with the approved detailed written request.

(6) The undertaker must publish on a website (including a page on a website) hosted by the undertaker for that purpose each approved noise envelope review document or extraordinary noise envelope review document within not more than 45 days following the date on which those are approved.

#### **Verification of air noise monitoring equipment**

**17.** Within not more than six months following the end of the period of 12 months beginning with the commencement of dual runway operations and at 5 yearly intervals thereafter the undertaker must submit to the independent air noise reviewer a noise model verification report and the undertaker must publish on a website (including a page on a website) hosted by the undertaker for that purpose each noise model verification report submitted to the independent air noise reviewer within not more than 45 days after the date of its submission.

#### **Noise insulation scheme**

**18.**—(1) Within not more than 3 months following the commencement of any of Work Nos. 1 – 7 (inclusive) the undertaker shall submit to each relevant planning authority details of how the noise insulation scheme is to be promoted and administered to persons considered to be vulnerable to noise related effects to ensure equitable access to the noise insulation scheme and once

approved the undertaker shall comply with the approved details when promoting and administering the noise insulation scheme.

(2) Within not more than 6 months following the commencement of any of Work Nos. 1 – 7 (inclusive) the undertaker must take appropriate steps to notify all residential properties within the noise insulation scheme inner zone of their eligibility for the noise insulation scheme as a consequence of air noise and thereafter where requested by the owner of an eligible residential property arrange for the residential property to be surveyed to agree an appropriate package of noise insulation measures and procure the installation of those noise insulation measures subject to funding by the undertaker for the noise insulation measures being not more than the maximum amount detailed in the noise insulation scheme document.

(3) Within not more than 4 years following the commencement of any of Work Nos. 1 – 7 (inclusive) the undertaker must take appropriate steps to notify all residential properties within the noise insulation scheme outer zone of their eligibility for the noise insulation scheme as a consequence of air noise and thereafter where requested by the owner of an eligible residential property arrange for the residential property to be surveyed to agree an appropriate package of noise insulation measures and procure the installation of those noise insulation measures subject to funding by the undertaker for the noise insulation measures being not more than the maximum amounts detailed in the noise insulation scheme document.

(4) Where reasonably requested by any owner of a residential property not within the noise insulation scheme inner zone following the commencement of dual runway operations the undertaker must take appropriate steps to measure the levels of ground noise associated with aircraft operating from the airport to identify whether the residential property experiences noise levels from aircraft which exceed  $L_{eq\ 16hr}$  daytime 63dB contour or  $L_{eq\ 8\ hr}$  night 55dB contour.

(5) Where it is identified that any residential property qualifies for the noise insulation scheme inner zone as a consequence of ground noise associated with aircraft operating from the airport the undertaker must notify the property owner(s) of their eligibility for the noise insulation scheme and where requested by the owner of any such eligible residential property arrange for the residential property to be surveyed to agree an appropriate package of noise insulation measures and procure the installation of those noise insulation measures subject to funding by the undertaker for the noise insulation measures being not more than the maximum amount detailed in the noise insulation scheme document.

(6) Within not more than 6 months following the commencement of any of Work Nos. 1 – 7 (inclusive) the undertaker must take appropriate steps to notify all schools predicted to be within  $L_{eq\ 16hr}$  daytime 51dB contour 3 years following the commencement of dual runway operations as identified in the noise insulation scheme document of their eligibility for the noise insulation scheme and thereafter where requested by any eligible school arrange for the school to be surveyed to agree an appropriate package of noise insulation measures and procure the installation of those noise insulation measures in accordance with the noise insulation scheme document.

(7) The undertaker must notify each owner of a residential property who is identified within an annual monitoring and forecasting report to be within the  $L_{eq\ 16\ hr}$  66dB standard mode noise contour (as modelled based on actual operations of the previous summer) of their eligibility for home relocation assistance in accordance with section 6 of the noise insulation scheme document and provide such home relocation assistance where requested by the owner of an eligible residential property subject always to home relocation assistance being strictly limited to one claim per eligible residential property.

### **Airport operations**

**19.—**(1) The undertaker must serve notice on the relevant planning authority no later than 7 days after the commencement of dual runway operations informing of the same.

(2) From the date of the commencement of dual runway operations, the airport may not be used for more than 386,000 commercial air transport movements per annum.

(3) The northern runway (Work No. 1) must not be routinely used between the hours of 23:00 – 06:00 but may be used between these hours where the southern runway (being the airport's main runway at the date this Order is made) is not available for use for any reason.

**Surface access**

20. From the date of the commencement of dual runway operations the operation of the authorised development must be carried out in accordance with the surface access commitments unless otherwise agreed with the relevant planning authority.

**Carbon action plan**

21. The authorised development must be carried out in general accordance with the carbon action plan unless otherwise agreed with the relevant planning authority.

**Public rights of way**

22.—(1) No development of any new or diverted public right of way listed in Part 3 of Schedule 4 may be carried out until a public rights of way implementation plan for that public right of way has been submitted to and approved by the relevant planning authority.

(2) Each public rights of way implementation plan submitted pursuant to sub-paragraph (1) must be in general accordance with the public rights of way management strategy and in accordance with the rights of way and access plans.

(3) The development of any new or diverted public right of way listed in Part 3 of Schedule 4 must be carried out substantially in accordance with the relevant public rights of way implementation plan approved pursuant to sub-paragraph (1).

**Flood compensation areas**

23.—(1) Prior to the commencement of the first of Work Nos. 4(a), 4(b), 4(f), 4(g), 4(h), 4(i), 4(j), 14, 23(a), 25, 36(a), 36(b) or 37(a), a flood compensation delivery plan setting out the timeframe for delivering Work No. 31(b) (constructing a flood compensation area at Car Park X) and Work No. 38(a) (constructing a flood compensation area at Museum Field) must be submitted to and approved by the relevant planning authority in consultation with the Environment Agency.

(2) The authorised development must be constructed in accordance with the flood compensation delivery plan referred to in sub-paragraph (1), unless otherwise agreed in writing with the relevant planning authority in consultation with the Environment Agency.

SCHEDULE 3

Articles 13, 16

Permanent Stopping Up of Highways and Private Means of Access & Provisions of New Highways and Private Means of Access

PART 1

HIGHWAYS TO BE STOPPED UP AND SUBSTITUTE HIGHWAYS AND NEW HIGHWAYS 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</i>
Sheet 2			
West Sussex County Council	-	-	Reference a1 the reclassified/realigned Gatwick Spur (including the South Terminal Flyover); formerly the M23 Spur, between the M23 Junction 9 Roundabout and the Airport Way approach to the west-facing slip roads of South Terminal Roundabout, for a distance of approximately 1.5km as shown on Sheet 2 of the rights of way and access plans, shown by green striped hatching.
West Sussex County Council	M23 Spur Westbound	The existing highway within the area marked A2 for a distance of approximately 245m as shown on Sheet 2 of the rights of way and access plans, shown by black striped hatching.	Proposed new highway; Gatwick Spur Westbound Diverge, within the area marked a2 for a distance of approximately 420m as shown on Sheet 2 of the rights of way and access plans, shown by green striped hatching.
West Sussex County Council	M23 Spur Eastbound	The existing highway within the area marked A3 for a distance of approximately 250m as shown on Sheet 2 of the rights of way and access plans, shown by black striped hatching.	Proposed new highway; Gatwick Spur Eastbound Merge, within the area marked a3 for a distance of approximately 330m as shown on Sheet 2 of the rights of way and access plans, shown by green striped hatching.
West Sussex County Council, Gatwick Airport	-	-	Reference a4 the realigned Ring Road South from the South Terminal Roundabout southbound to South Terminal, for a distance of approximately 85m as shown on Sheet 2 of the rights of way and access plans, shown by blue striped hatching.

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West Sussex County Council	-	-	Reference a5, the realigned South Terminal Roundabout, for a circulatory carriageway distance of approximately 310m as shown on Sheet 2 of the rights of way and access plans, shown by green striped hatching.
West Sussex County Council, Gatwick Airport	-	-	Reference a6 the realigned Ring Road North from the South Terminal northbound to South Terminal Roundabout, for a distance of approximately 80m as shown on Sheet 2 of the rights of way and access plans, shown by blue striped hatching.
West Sussex County Council	Airport Way Westbound	The existing highway within the area marked A7 for a distance of approximately 40m as shown on Sheet 2 of the rights of way and access plans, shown by black striped hatching.	Proposed new highway; Airport Way Westbound Merge, within the area marked a7 for a distance of approximately 275m as shown on Sheet 2 of the rights of way and access plans, shown by green striped hatching.
West Sussex County Council	Airport Way Eastbound	The existing highway within the area marked A8 for a distance of approximately 140m as shown on Sheet 2 of the rights of way and access plans, shown by black striped hatching.	Proposed new highway; Airport Way Eastbound Diverge, within the area marked a8 for a distance of approximately 265m as shown on Sheet 2 the rights of way and access plans, shown by green striped hatching.
West Sussex County Council	-	-	Reference a9 the realigned Airport Way, between the Airport Way Rail Bridge and South Terminal Flyover, for a distance of approximately 245m as shown on Sheet 2 of the rights of way and access plans, shown by green striped hatching.
West Sussex County Council	-	-	Reference a10 the realigned B2036 Balcombe Road for a distance of approximately 160m as shown on Sheet 2 of the rights of way and access plans, show by a blue striped hatching on Inset B.
Sheet 1			
West Sussex County Council	Airport Way	The existing highway within the area marked A11 for a distance of approximately 620m as shown on Sheet 1 of the rights of way and access plans, shown by black striped hatching.	Proposed new highway; realigned Airport Way from the Airport Way Rail Bridge to the start of the proposed North Terminal Flyover Link, within the area marked a11 for a distance of approximately 525m as shown on Sheet 1 of the rights of way and access plans, shown by green striped hatching.

		The existing highway within the area marked A12 for a distance of approximately 175m as shown on Sheet 2 of the rights of way and access plans, shown by black striped hatching.	
West Sussex County Council	Airport Way	<p>The existing highway within the area marked A13 for a distance of approximately 200m as shown on Sheet 1 of the rights of way and access plans, shown by black striped hatching.</p> <p>The existing highway within the area marked A14 for a distance of approximately 135m as shown on Sheet 1 of the rights of way and access plans, shown by black striped hatching.</p> <p>The existing highway within the area marked A15 for a distance of approximately 15m as shown on Sheet 1 of the rights of way and access plans, shown by black striped hatching.</p>	Proposed new highway; realigned Airport Way from Airport Way Westbound Diverge to North Terminal Roundabout, within the area marked a12 for a distance of approximately 425m as shown on Sheet 1 of the rights of way and access plans, shown by green striped hatching.
West Sussex County Council	-	-	Reference a13 the realigned North Terminal Roundabout Segregated Lane, for a distance of approximately 195m as shown on Sheet 1 of the rights of way and access plans, shown by green striped hatching.
West Sussex County Council, Gatwick Airport	-	-	Reference a14 the realigned Gatwick Way from the priority junction with North Terminal Roundabout Segregated Lane to Perimeter Road North for a distance of approximately 165m as shown on Sheet 1 of the rights of way and access plans, shown by blue striped hatching.
West Sussex County Council, Gatwick Airport	-	-	Reference a15 the realigned Perimeter Road from Northway Road Tunnel Eastbound for a distance of approximately 270m as shown on Sheet 1 of the rights of way and access plans, shown by



			blue striped hatching.
West Sussex County Council, Gatwick Airport	-	-	Reference a16 the realigned North Terminal Approach Road from North Terminal Roundabout to North Terminal Airport for a distance of approximately 125m as shown on Sheet 1 of the rights of way and access plans, shown by blue striped hatching.
West Sussex County Council	North Terminal Roundabout	The existing circulator carriageway within the area marked A17 for a distance of approximately 140m as shown on Sheet 1 of the rights of way and access plans, shown by black striped hatching.	Reference a17 the realigned/ improved North Terminal Roundabout; for a distance of approximately 265m, as shown on Sheet 1 the rights of way and access plans, shown by green striped hatching.
West Sussex County Council, Gatwick Airport	-	-	Reference a18 the realigned Northway on the approach to North Terminal Roundabout for a distance of approximately 60m as shown on Sheet 1 of the rights of way and access plans, shown by blue striped hatching.
West Sussex County Council, Gatwick Airport	-	-	Reference a19 the realigned Longbridge Way northwest of North Terminal Roundabout, for a distance of approximately 90m as shown on Sheet 1 of the rights of way and access plans, shown by blue striped hatching.
West Sussex County Council	A23 London Road Merge from North Terminal Roundabout	The existing highway within the area marked A20 for a distance of approximately 315m as shown on Sheet 1 of the rights of way and access plans, shown by black striped hatching on Inset B.	Proposed new highway; North Terminal Link, within the area marked a20 for a distance of approximately 110m, as shown on Sheet 1 of the rights of way and access plans, shown by green striped hatching.
West Sussex County Council	-	-	Proposed new highway; North Terminal Flyover Link from the realigned Airport Way Westbound to the merge on to A23 London Road, within the area marked a21 for a distance of approximately 650m as shown on Sheet 2 of the rights of way and access plans, shown by green striped hatching.
West Sussex County Council and Surrey County Council	-	-	Reference a22 the realigned A23 London Road including the proposed signal-controlled junction with North Terminal Link, Southeast of Longbridge Roundabout for a distance of

			approximately 1km as shown on Sheet 1 of the rights of way and access plans, shown by blue striped hatching.
West Sussex County Council	-	-	Reference a23 the realigned and reconfigured A23 London Road Diverge to Airport Way Eastbound for a distance of approximately 695m as shown on Sheet 1 of the rights of way and access plans, shown by blue striped hatching.
West Sussex County Council	A23 London Road Diverge to North Terminal Roundabout	The existing highway within the area marked A24 for a distance of approximately 185m as shown on Sheet 1 of the rights of way and access plans, shown by black striped hatching on Inset B.	Proposed new highway; A23 London Road Northbound Left-in Diverge to North Terminal Roundabout, within the area marked a24 for a distance of approximately 325m as shown on Sheet 1 of the rights of way and access plans, shown by green striped hatching.
Surrey County Council	-	-	Reference a25 the realigned A23 Brighton Road Northeast of Longbridge Roundabout for a distance of approximately 220m as shown on Sheet 1 of the rights of way and access plans, shown by blue striped hatching.
West Sussex County Council and Surrey County Council	-	-	Reference a26 the realigned Longbridge Roundabout Segregated Left Turn Lane from A23 Brighton Road to A23 London Road for a distance of approximately 225m as shown on Sheet 1 of the rights of way and access plans, shown by blue striped hatching.
Surrey County Council	Longbridge Roundabout	The existing highway within the area marked A27 for a distance of approximately 80m as shown on Sheet 1 of the rights of way and access plans, shown by black striped hatching.	Proposed realigned/improved highway; Longbridge Roundabout, within the area marked a27 for a circulatory carriageway distance of approximately 215m as shown on Sheet 1 of the rights of way and access plans, shown by green striped hatching.
Surrey County Council	-	-	Reference a28 the realigned A217 Northwest of Longbridge Roundabout for a distance of approximately 95m as shown on Sheet 1 of the rights of way and access plans, shown by blue striped hatching.
Surrey County Council	-	-	Reference a29 the realigned Povey Cross Road Southwest of Longbridge Roundabout for a distance of approximately 55m as shown on Sheet 1 of the rights of way and access plans, shown by

			blue striped hatching.
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**PART 2**

**PRIVATE MEANS OF ACCESS TO BE STOPPED UP AND SUBSTITUTE  
PRIVATE MEANS AND NEW PRIVATE MEANS**

<i>(1) Area</i>	<i>(2) Private means of access to be stopped up</i>	<i>(3) Extent of stopping up</i>	<i>(4) New private means of access to be substituted/provided</i>
Sheet 2			
Surrey County Council	Reference D1	The existing private means of access for the extents marked as D1 which is a private access off of Gatwick Spur (formerly M23 Spur) for a distance of approximately 10m on Sheet 2 of the rights of way and access plans shown by purple striped hatching.	The newly proposed private means of access for the extents marked as d1 which provides access to an existing Pond to the east of Peaks Brook Lane for a distance of approximately 220m on Sheet 2 of the rights of way and access plans shown by orange striped hatching.
Surrey County Council	-	-	The newly proposed private means of access for the extents marked as d2 which provides access to a proposed Pond to the east of B2036 Balcombe Road for a distance of approximately 85m on Sheet 2 of the rights of way and access plans shown by orange striped hatching.
West Sussex Country Council	-	-	The newly proposed private means of access for the extents marked as d3 which provides access to a proposed retaining wall to the east of South Terminal Roundabout for a distance of approximately 365m on Sheet 2 of the rights of way and access plans shown by orange striped hatching.

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Sheet 1			
Surrey County Council	-	-	The modified existing private means of access for the extents marked as d4 which provides access to Car Park B for a distance of approximately 125m on Sheet 1 of the rights of way and access plans shown by orange striped hatching.
Surrey County Council	Reference D5	The existing private means of access for the extents marked as D5 which is a private access to the Holiday Inn off of A217 for a distance of approximately 5m on Sheet 1 of the rights of way and access plans shown by purple striped hatching.	The modified existing private means of access for the extents marked as d5 which provides access to Holiday Inn London – Gatwick Airport located west of the A217 for a distance of approximately 10m on Sheet 1 of the rights of way and access plans shown by orange striped hatching.
Surrey County Council	-	-	The modified existing private means of access for the extents marked as d6 which provides access to the farm located east of the A217 for a distance of approximately 55m on Sheet 1 of the rights of way and access plans shown by orange striped hatching.
Surrey County Council	-	-	The newly proposed private means of access for the extents marked as d7 which provides access to a proposed attenuation basin to the east of the A217 for a distance of approximately 20m and connects to private means of access d6 which runs east of the A217 on Sheet 1 of the rights of way and access plans shown by orange striped hatching.

SCHEDULE 4

Articles 15, 22

Public Rights of Way, Footways and Cycle Tracks to be Stopped Up

PART 1

PUBLIC RIGHTS OF WAY TO BE PERMANENTLY STOPPED UP FOR WHICH A SUBSTITUTE IS TO BE PROVIDED

(1) <i>Area</i>	(2) <i>Public right of way to be stopped up</i>	(3) <i>Extent of stopping up</i>	(4) <i>New public right of way to be substituted</i>
Sheet 2			
West Sussex County Council	Footpath 367Sy – Reference B1	The existing footpath for the extents marked as B1 for a distance of approximately 290m on Sheet 2 of the rights of way and access plans shown by a red dash-diamond line.	Proposed public footpath 367Sy for the extents marked as b1 for a distance of for a distance of approximately 300m on Sheet 2 of the rights of way and access plans shown indicatively with a cyan dashed line.
Sheet 1			
West Sussex County Council	Footpath 346_2Sy – Reference B3	The existing footpath for the extents marked as B3 for a distance of approximately 260m on Sheet 1 of the rights of way and access plans shown by a red dash-diamond line.	Proposed public footpath 346_2Sy for the extents marked as b3 for a distance of approximately 245m on Sheet 1 of the rights of way and access plans shown indicatively with a cyan dashed line.

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PART 2

PUBLIC RIGHTS OF WAY TO BE PERMANENTLY STOPPED UP FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED

(1) <i>Area</i>	(2) <i>Public right of way to be stopped up</i>	(3) <i>Extent of stopping up</i>
Sheet 1		
West Sussex County Council	Footpath 346_2Sy – Reference B2	The existing footpath for the extents marked as B2 for a distance

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		of approximately 860m on Sheet 1 of the rights of way and access plans shown by a red dash-diamond line.
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**PART 3**  
**FOOTWAYS AND CYCLE TRACKS**

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Length of Footway/Cycle Track</i>
Sheet 2	
West Sussex County Council	Footway between the points marked c1 on Sheet 1 of the rights of way and access plans shown indicatively with a pink solid hatch for a distance of approximately 380m.
Sheet 1	
West Sussex County Council	Cycle track between the points marked c2 on Sheet 1 of the rights of way and access plans shown indicatively with a pink solid hatch for a distance of approximately 405m.
West Sussex County Council	Cycle track between the points marked c3 on Sheet 1 of the rights of way and access plans shown indicatively with a pink solid hatch for a distance of approximately 45m.
West Sussex County Council	Cycle track between the points marked c4 on Sheet 1 of the rights of way and access plans shown indicatively with a pink solid hatch for a distance of approximately 45m.
West Sussex County Council	Cycle track between the points marked c5 on Sheet 1 of the rights of way and access plans shown indicatively with a pink solid hatch for a distance of approximately 185m.
West Sussex County Council	Cycle track between the points marked c6 on Sheet 1 of the rights of way and access plans shown indicatively with a pink solid hatch for a distance of approximately 75m.
West Sussex County Council	Footway between the points marked c7 on Sheet 1 of the rights of way and access plans shown indicatively with a pink solid hatch for a distance of approximately 50m.
West Sussex County Council	Cycle track between the points marked c8 on Sheet 1 of the rights of way and access plans shown indicatively with a pink solid hatch for a distance of approximately 180m.
West Sussex County Council	Cycle track between the points marked c9 on Sheet 1 of the rights of way and access plans shown indicatively with a pink solid hatch for a distance of approximately 45m.
West Sussex County Council	Cycle track between the points marked c10 on Sheet 1 of the rights of way and access plans shown indicatively with a pink solid hatch for a distance of approximately 325m.
West Sussex County Council	Footway between the points marked c11 on Sheet 1 of the rights of way and access plans shown indicatively with a pink solid hatch for a distance of approximately 155m.
West Sussex County Council	Footway between the points marked c12 on Sheet 1 of the rights of way and access plans shown indicatively with a pink solid hatch for a distance of approximately 220m.
West Sussex County Council	Footway between the points marked c13 on Sheet 1 of the rights of way and access plans shown indicatively with a pink solid hatch for a distance of approximately 655m.

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West Sussex County Council	Footway between the points marked c14 on Sheet 1 of the rights of way and access plans shown indicatively with a pink solid hatch for a distance of approximately 5m.
West Sussex County Council and Surrey County Council	Cycle track ramp between the points marked c15 on Sheet 1 of the rights of way and access plans shown indicatively with a pink solid hatch for a distance of approximately 120m.
West Sussex County Council and Surrey County Council	Cycle track between the points marked c16 on Sheet 1 of the rights of way and access plans shown indicatively with a pink solid hatch for a distance of approximately 255m.
West Sussex County Council	Cycle track between the points marked c17 on Sheet 1 of the rights of way and access plans shown indicatively with a pink solid hatch for a distance of approximately 175m.
West Sussex County Council and Surrey County Council	Cycle track between the points marked c18 on Sheet 1 of the rights of way and access plans shown indicatively with a pink solid hatch for a distance of approximately 85m.
Surrey County Council	Footway between the points marked c19 on Sheet 1 of the rights of way and access plans shown indicatively with a pink solid hatch for a distance of approximately 35m.
Surrey County Council	Cycle track between the points marked c20 on Sheet 1 of the rights of way and access plans shown indicatively with a pink solid hatch for a distance of approximately 60m.
Surrey County Council	Cycle track between the points marked c21 on Sheet 1 of the rights of way and access plans shown indicatively with a pink solid hatch for a distance of approximately 60m.
Surrey County Council	Cycle track between the points marked c22 on Sheet 1 of the rights of way and access plans shown indicatively with a pink solid hatch for a distance of approximately 190m.
Surrey County Council	Footway between the points marked c23 on Sheet 1 of the rights of way and access plans shown indicatively with a pink solid hatch for a distance of approximately 95m.
Surrey County Council	Footway between the points marked c24 on Sheet 1 of the rights of way and access plans shown indicatively with a pink solid hatch for a distance of approximately 55m.
Surrey County Council	Footway between the points marked c25 on Sheet 1 of the rights of way and access plans shown indicatively with a pink solid hatch for a distance of approximately 10m.
Surrey County Council	Footway between the points marked c26 on Sheet 1 of the rights of way and access plans shown indicatively with a pink solid hatch for a distance of approximately 20m.

SCHEDULE 5

Article 17

Classification of Roads

PART 1

NEW AND REALIGNED CLASSIFIED TRUNK ROADS

<i>(1)</i> <i>Highway Authority</i>	<i>(2)</i> <i>Extent of Road</i>
Sheet 2A	
National Highways	The realigned M23 Spur Westbound between point 1a and point 1b as shown on Sheet 2A of the Traffic Regulation Measures – Classification of Roads Plans to be re-classified as an A Road (to be known as Gatwick Spur) for a length of approximately 1250m.
National Highways	The realigned Gatwick Spur /Airport Way Westbound between point 1b and point 1c as shown on Sheet 2A of the Traffic Regulation Measures – Classification of Roads Plans for a length of approximately 525m.
National Highways	The realigned Airport Way Eastbound between point 2a and point 2b as shown on Sheet 2A of the Traffic Regulation Measures – Classification of Roads Plans for a length of approximately 520m.
National Highways	The realigned M23 Spur Eastbound between point 2b and point 2c as shown on Sheet 2A of the Traffic Regulation Measures – Classification of Roads Plans to be re-classified as an A Road (to be known as Gatwick Spur) for a length of approximately 1250m.
National Highways	The new proposed Gatwick Spur Westbound Diverge between point 3a and point 3b as shown on Sheet 2A of the Traffic Regulation Measures – Classification of Roads Plans for a length of approximately 420m.
National Highways	The new proposed Gatwick Spur Eastbound Merge between point 4a and point 4b as shown on Sheet 2A of the Traffic Regulation Measures – Classification of Roads Plans for a length of approximately 330m.
National Highways	The realigned South Terminal Roundabout (currently M23 Junction 9a) shown as point 7 on Sheet 2A of the Traffic Regulation Measures – Classification of Roads Plans to be re-classified as an A Road for a length of approximately 310m.
National Highways	The new proposed Airport Way Westbound Merge between point 9a and point 9b as shown on Sheet 2A of the Traffic Regulation Measures – Classification of Roads Plans for a length of approximately 275m.
National Highways	The new proposed Airport Way Eastbound Diverge between point 10a and point 10b as shown on Sheet 2A of the Traffic Regulation Measures – Classification of Roads Plans for a length of approximately 265m.
Sheet 1A	
National Highways	The realigned Airport Way Westbound between point 1c and point 11a as shown on Sheet 1A of the Traffic Regulation Measures – Classification of Roads Plans for a length of approximately 525m.
National Highways	The new proposed North Terminal Flyover Link between point 11a and point 11b as shown on Sheet 1A of Traffic Regulation Measures – Classification of Roads Plans for a length of approximately 650m.

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National Highways	The realigned Airport Way Diverge to North Terminal Roundabout between point 12a and point 12b as shown on Sheet 1A of the Traffic Regulation Measures – Classification of Roads Plans for a length of approximately 430m.
National Highways	The realigned North Terminal Roundabout Segregated Lane to North Terminal Approach between point 13a and point 13b as shown on Sheet 1A of the Traffic Regulation Measures – Classification of Roads Plans for a length of approximately 220m.
National Highways	The realigned North Terminal Roundabout shown as point 18 on Sheet 1A of the Traffic Regulation Measures – Classification of Roads Plans for a length of approximately 265m.
National Highways	The new proposed North Terminal Link between point 21a and point 21b on Sheet 1A of the Traffic Regulation Measures – Classification of Roads Plans for a length of approximately 110m.
National Highways	The realigned A23 London Road Diverge to Airport Way Eastbound between point 22a and point 2a as shown on Sheet 1A of the Traffic Regulation Measures – Classification of Roads Plans for a length of approximately 610m.
National Highways	The proposed new A23 London Road Northbound Left-in Diverge to North Terminal Roundabout between point 24a and point 24b as shown on Sheet 1A of the Traffic Regulation Measures – Classification of Roads Plans for a length of approximately 325m.

## PART 2

### NEW AND REALIGNED CLASSIFIED NON-TRUNK ROADS

<i>(1)</i> Highway Authority	<i>(2)</i> Extent of Road
Sheet 2A	
West Sussex County Council	The realigned B2036 Balcombe Road between point 5a and point 5b as shown on Sheet 2A of the Traffic Regulation Measures – Classification of Roads Plans for a length of approximately 160m.
Sheet 1A	
West Sussex County Council	The realigned A23 London Road Northbound between point 23a and point 23b as shown on Sheet 1A of the Traffic Regulation Measures – Classification of Roads Plans for a length of approximately 1155m.
Surrey County Council	The realigned A23 London Road Northbound between point 23b and point 25b as shown on Sheet 1A of the Traffic Regulation Measures – Classification of Roads Plans for a length of approximately 10m.
Surrey County Council	The realigned A23 London Road Southbound between point 26a and point 26b as shown on Sheet 1A of the Traffic Regulation Measures – Classification of Roads Plans for a length of approximately 10m.
West Sussex County Council	The realigned A23 London Road Southbound between point 26b and point 27b as shown on Sheet 1A of the Traffic Regulation Measures – Classification of Roads Plans for a length of approximately 1150m.
Surrey County Council	The realigned Longbridge Roundabout shown as point 31 on Sheet 1A of the Traffic Regulation Measures – Classification of Roads Plans for a length of approximately 210m.
Surrey County Council	The realigned A23 Brighton Road between point 28a and point 28b as shown on Sheet 1A of the Traffic Regulation Measures – Classification of Roads Plans for a length of approximately 220m.

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Surrey County Council	The realigned Longbridge Roundabout Segregated Left Turn Lane from A23 Brighton Road onto A23 London Road between point 29a and point 29b as shown on Sheet 1A of the Traffic Regulation Measures – Classification of Roads Plans for a length of approximately 120m.
West Sussex County Council	The realigned Longbridge Roundabout Segregated Left Turn Lane from A23 Brighton Road onto A23 London Road between point 29b and point 30b as shown on Sheet 1A of the Traffic Regulation Measures – Classification of Roads Plans for a length of approximately 90m.
Surrey County Council	The realigned A217 between point 32a and point 32b as shown on Sheet 1A of the Traffic Regulation Measures – Classification of Roads Plans for a length of approximately 110m.
Surrey County Council	The realigned Povey Cross Road between point 33a and point 33b as shown on Sheet 1A of the Traffic Regulation Measures – Classification of Roads Plans for a length of approximately 60m.

### PART 3

#### NEW AND REALIGNED UN-CLASSIFIED ROADS

<i>(1)</i> Highway Authority	<i>(2)</i> Extent of Street
Sheet 2A	
Gatwick Airport Limited	The realigned Ring Road South between point 6a and point 6b as shown on Sheet 2A of the Traffic Regulation Measures – Classification of Roads Plans for a length of approximately 85m.
Gatwick Airport Limited	The realigned Ring Road North between point 8a and point 8b as shown on Sheet 2A of the Traffic Regulation Measures – Classification of Roads Plans for a length of approximately 80m.
Sheet 1A	
Gatwick Airport Limited	The realigned North Terminal Roundabout Segregated Lane to North Terminal Approach between point 13b and point 14b as shown on Sheet 1A of the Traffic Regulation Measures – Classification of Roads Plans for a length of approximately 70m.
Gatwick Airport Limited	The realigned Gatwick Way between point 15a and point 15b as shown on Sheet 1A of the Traffic Regulation Measures – Classification of Roads Plans for a length of approximately 165m.
Gatwick Airport Limited	The realigned Perimeter Road North between point 16a and point 16b as shown on Sheet 1A of the Traffic Regulation Measures – Classification of Roads Plans for a length of approximately 270m.
Gatwick Airport Limited	The realigned North Terminal Approach Road between point 17a and point 17b as shown on Sheet 1A of the Traffic Regulation Measures – Classification of Roads Plans for a length of approximately 125m.
Gatwick Airport Limited	The realigned Northway between point 19a and point 19b as shown on Sheet 1A of the Traffic Regulation Measures – Classification of Roads Plans for a length of approximately 65m.
Gatwick Airport Limited	The realigned Longbridge Way between point 20a and point 20b as shown on Sheet 1A of the Traffic Regulation Measures – Classification of Roads Plans for a length of approximately 90m.
Gatwick Airport Limited	The realigned Car Park B access road between point 34a and point 34b as shown on Sheet 1A of the Traffic Regulation Measures – Classification of Roads Plans for a length of approximately 125m.

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PART 4  
ROADS TO BE DE-TRUNKED

<i>(1)</i> <i>Highway Authority</i>	<i>(2)</i> <i>Extent of Road</i>
Sheet 1A	
West Sussex County Council	Existing Merge Slip Road from North Terminal Roundabout to A23 London Road Northbound between point A1 and point A2 as shown on Sheet 1A in Inset A of the Traffic Regulation Measures – Classification of Roads Plans to be de-trunked for a length of approximately 135m.

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**SCHEDULE 6**  
**Traffic Regulations**

Articles 18, 19

**PART 1**  
**SPEED LIMITS**

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent as shown on the Traffic Regulation Measures – Speed Limits Plans</i>	<i>(4)</i> <i>Speed Limits</i>
West Sussex County Council	Gatwick Spur Westbound	Between point 1a and point 1b as show on Sheet 2A of the Traffic Regulation Measures – Speed Limits plans for a length of approximately 1470m.	Speed limit of 50mph
West Sussex County Council	Gatwick Spur Eastbound	Between point 2a and point 2b as show on Sheet 2A of the Traffic Regulation Measures – Speed Limits plans for a length of approximately 1530m.	Speed limit of 50mph
West Sussex County Council	Gatwick Spur Westbound Diverge	Between point 3a and point 3b as show on Sheet 2A of the Traffic Regulation Measures – Speed Limits plans for a length of approximately 160m.	Speed limit of 50mph
West Sussex County Council	Gatwick Spur Westbound Diverge	Between point 3b and point 5a as show on Sheet 2A of the Traffic Regulation Measures – Speed Limits plans for a length of approximately 245m.	Speed limit of 40mph
West Sussex County Council, Surrey County Council	B2036 Balcombe Road	Between point 4a and point 4b as shown on Sheet 2A of the Traffic Regulation Measures – Speed Limits plans for a length of approximately 160m.	National Speed limit for a single carriageway road (60mph)
West Sussex County Council	Gatwick Spur Westbound Diverge	Between point 5a and point 5b as show on Sheet 2A of the Traffic Regulation Measures – Speed Limits plans for a length of approximately 30m.	Speed limit of 30mph
West Sussex County Council	Gatwick Spur Eastbound Merge	Between point 6a and point 6b as show on Sheet 2A of the Traffic Regulation Measures – Speed Limits	Speed limit of 30mph

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		plans for a length of approximately 55m.	
West Sussex County Council	Gatwick Spur Eastbound Merge Slip Road	Between point 6b and point 7b as show on Sheet 2A of the Traffic Regulation Measures – Speed Limits plans for a length of approximately 220m.	Speed limit of 40mph
West Sussex County Council	Gatwick Spur Eastbound Merge Slip Road	Between point 7b and point 8b as show on Sheet 2A of the Traffic Regulation Measures – Speed Limits plans for a length of approximately 80m.	Speed limit of 50mph
West Sussex County Council, Gatwick Airport Limited	Ring Road South	Between point 9a and point 9b as shown on Sheet 2A of the Traffic Regulation Measures – Speed Limits plans for a length of approximately 100m.	Speed limit of 30mph
West Sussex County Council, Gatwick Airport Limited	Ring Road North	Between point 10a and point 10b as shown on Sheet 2A of the Traffic Regulation Measures – Speed Limits plans for a length of approximately 95m.	Speed limit of 30mph
West Sussex County Council	South Terminal Roundabout	Circulatory carriageway (point 11) as shown on Sheet 2A of the Traffic Regulation Measures – Speed Limits plans for a length of approximately 310m	Speed limit of 30mph
West Sussex County Council	Airport Way Westbound Merge Slip Road	Between point 12a and point 12b as shown on Sheet 2A of the Traffic Regulation Measures – Speed Limits plans for a length of approximately 245m.	Speed limit of 30mph
West Sussex County Council	Airport Way Westbound Merge Slip Road	Between point 12b and point 13b as shown on Sheet 2A of the Traffic Regulation Measures – Speed Limits plans for a length of approximately 45m.	Speed limit of 40mph
West Sussex County Council	Airport Way Eastbound Diverge Slip Road	Between point 14a and point 14b as shown on Sheet 2A of the Traffic Regulation Measures – Speed Limits plans for a length of approximately 60m.	Speed limit of 40mph

West Sussex County Council	Airport Way Eastbound Diverge Slip Road	Between point 14b and point 15b as shown on Sheet 2A of the Traffic Regulation Measures – Speed Limits plans for a length of approximately 220m.	Speed limit of 30mph
West Sussex County Council	Airport Way Westbound Diverge to North Terminal Roundabout	Between point 1b and point 16a as shown on Sheet 2A of the Traffic Regulation Measures – Speed Limits plans for a length of approximately 245m.	Speed limit of 40mph
West Sussex County Council	Airport Way Westbound and North Terminal Flyover Link	Between point 16a and point 16b as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of approximately 1175m.	Speed limit of 40mph
West Sussex County Council	Airport Way Westbound Diverge to North Terminal Roundabout	Between point 17a and point 17b as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of approximately 420m.	Speed limit of 40mph
West Sussex County Council	Airport Way Westbound Diverge to North Terminal Roundabout	Between point 17b and point 19a as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of approximately 10m.	Speed limit of 30mph
West Sussex County Council	Airport Way Eastbound	Between point 18b and point 2a as shown on Sheet 2A of the Traffic Regulation Measures – Speed Limits plans for a length of approximately 245m.	Speed limit of 40mph
West Sussex County Council	A23 London Road Diverge to Airport Way Eastbound	Between point 18a and point 18b as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of approximately 610m.	Speed limit of 40mph
West Sussex County Council	Airport Way Westbound Diverge to North Terminal Roundabout	Between point 20a and point 20b as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of approximately 155m.	Speed limit of 40mph

West Sussex County Council	North Terminal Roundabout Segregated Lane	Between point 20b and point 21b as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of approximately 105m.	Speed limit of 30mph
West Sussex County Council, Gatwick Airport Limited	North Terminal Approach Road	Between point 22a and point 22b as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of approximately 140m.	Speed limit of 30mph
West Sussex County Council, Gatwick Airport Limited	Gatwick Way	Between point 23a and point 23b as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of approximately 175m.	Speed limit of 30mph
Gatwick Airport Limited	Perimeter Road North	Between point 24a and point 24b as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of approximately 270m.	Speed limit of 30mph
West Sussex County Council	North Terminal Roundabout	Circulatory carriageway (point 25) as shown on Sheet 2A of the Traffic Regulation Measures – Speed Limits plans for a length of approximately 265m.	Speed limit of 30mph
West Sussex County Council, Gatwick Airport Limited	Northway	Between point 26a and point 26b as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of approximately 80m.	Speed limit of 30mph
West Sussex County Council, Gatwick Airport Limited	Longbridge Way	Between point 27a and point 27b as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of approximately 90m.	Speed limit of 30mph
West Sussex County Council	North Terminal Link	Between point 30a and point 30b as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of approximately 100m.	Speed limit of 30mph

West Sussex County Council	North Terminal Link	Between point 30b and point 31b as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of approximately 15m.	Speed limit of 40mph
West Sussex County Council	A23 London Road Northbound	Between point 32a and point 32b as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of approximately 1125m.	Speed limit of 40mph
West Sussex County Council	A23 London Road Southbound	Between point 33a and point 33b as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of approximately 1125m.	Speed limit of 40mph
West Sussex County Council	A23 London Road Northbound Left-in Diverge to North Terminal Roundabout	Between point 34a and point 34b as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of approximately 220m.	Speed limit of 40mph
West Sussex County Council	A23 London Road Diverge Link to North terminal Roundabout	Between point 34b and point 35b as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of approximately 115m.	Speed limit of 30mph
West Sussex County Council	A23 London Road Northbound	Between point 32b and point 36b as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of approximately 30m.	Speed limit of 30mph
Surrey County Council	A23 London Road Northbound	Between point 36b and point 37b as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of approximately 15m.	Speed limit of 30mph
Surrey County Council	A23 London Road Southbound	Between point 38a and point 38b as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of approximately 20m.	Speed limit of 30mph



West Sussex County Council	A23 London Road Southbound	Between point 38b and point 33a as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of approximately 20m.	Speed limit of 30mph
Surrey County Council	A23 Brighton Road	Between point 39a and point 39b as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of approximately 225m.	Speed limit of 30mph
Surrey County Council	Longbridge Roundabout Segregated Left Turn Lane from A23 Brighton Road to A23 London Road	Between point 40a and point 40b as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of approximately 105m.	Speed limit of 30mph
West Sussex County Council	Longbridge Roundabout Segregated Left Turn Lane from A23 Brighton Road to A23 London Road	Between point 40b and point 41a as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of approximately 10m.	Speed limit of 30mph
West Sussex County Council	Longbridge Roundabout Segregated Left Turn Lane from A23 Brighton Road to A23 London Road	Between point 41a and point 41b as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of approximately 90m.	Speed limit of 40mph
Surrey County Council	Longbridge Roundabout	Circulatory carriageway (point 42) as shown on Sheet 2A of the Traffic Regulation Measures – Speed Limits plans for a length of approximately 210m.	Speed limit of 30mph
Surrey County Council	A217	Between point 43a and point 43b as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of approximately 20m.	Speed limit of 40mph
Surrey County Council	A217	Between point 43b and point 44b as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of approximately 95m.	Speed limit of 30mph

Surrey County Council	Povey Cross Road	Between point 45a and point 45b as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of approximately 60m.	Speed limit of 30mph
West Sussex County Council, Gatwick Airport Limited	Car Park B access road	Between point 46a and point 46b as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of approximately 125m.	Speed limit of 30mph

## PART 2

### TRAFFIC REGULATION MEASURES (CLEARWAYS, HEIGHT RESTRICTIONS AND PROHIBITIONS)

<i>(1) Area</i>	<i>(2) Road</i>	<i>(3) Extent as shown on the Traffic Regulation Order Plans</i>	<i>(4) Restrictions</i>
Sheet 2A			
West Sussex County Council	Gatwick Spur Westbound	Between point 1a and point 1b as show on Sheet 2A of the of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of approximately 1770m.	Clearway (to include verges and hard strips)
West Sussex County Council	Gatwick Spur Eastbound	Between point 2a and point 2b as show on Sheet 2A of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of approximately 1770m.	Clearway (to include verges and hard strips)
West Sussex County Council	Gatwick Spur Westbound Diverge	Between point 3a and point 3b as show on Sheet 2A of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of approximately 420m.	Clearway (to include verges and hard strips)
West Sussex County Council	Gatwick Spur Eastbound Merge	Between point 4a and point 4b as show on Sheet 2A of the Traffic Regulation Measures – Clearways and	Clearway (to include verges and hard strips)

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		Prohibitions plans for a length of approximately 330m.	
West Sussex County Council, Gatwick Airport Limited	Ring Road South	Between point 5a and point 5b as shown on Sheet 2A of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of approximately 85m.	No Parking or Stopping at any time – double red line markings (to include verges and hard strips)
West Sussex County Council	South Terminal Roundabout	Point 6 as shown on Sheet 2A of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of approximately 310m.	Clearway (to include verges and hard strips)
West Sussex County Council, Gatwick Airport Limited	Ring Road North	Between point 7a and point 7b as shown on Sheet 2A Traffic Regulation Measures – Clearways and Prohibitions plans for a length of approximately 80m.	No Parking or Stopping at any time – double red line markings (to include verges and hard strips)
West Sussex County Council	Airport Way Westbound Merge	Between point 8a and point 8b as shown on Sheet 2A of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of approximately 275m.	Clearway (to include verges and hard strips)
West Sussex County Council	Airport Way Eastbound Diverge	Between point 9a and point 9b as shown on Sheet 2A of the of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of approximately 265m.	Clearway (to include verges and hard strips)
Sheet 1A			
West Sussex County Council	Airport Way Westbound	Between point 1b and point 12a as shown on Sheet 1A of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of approximately 525m.	Clearway (to include verges and hard strips)
West Sussex County Council	Airport Way Westbound Diverge to North Terminal Roundabout	Between point 10a and point 10b as shown on Sheet 1A of the Traffic Regulation Measures – Clearways and	Clearway (to include verges and hard strips)

		Prohibitions plans for a length of approximately 430m.	
West Sussex County Council	A23 London Road Diverge to Airport Way Eastbound	Between point 11a and point 2a as shown on Sheet 1A of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of approximately 610m.	Clearway (to include verges and hard strips)
West Sussex County Council	North Terminal Flyover	Between point 12a and point 12b as shown on Sheet 1A of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of approximately 650m.	Clearway (to include verges and hard strips)
West Sussex County Council	North Terminal Roundabout Segregated Lane	Between point 13a and point 13b as shown on Sheet 1A of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of approximately 215m.	Clearway (to include verges and hard strips)
West Sussex County Council, Gatwick Airport Limited	North Terminal Approach	Between point 14a and point 14b as shown on Sheet 1A of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of approximately 125m.	No Parking or Stopping at any time – double red line markings (to include verges and hard strips)
West Sussex County Council, Gatwick Airport Limited	Gatwick Way	Between point 15a and point 15b as shown on Sheet 1A of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of approximately 165m.	No Parking or Stopping at any time – double red line markings (to include verges and hard strips)
West Sussex County Council, Gatwick Airport Limited	Perimeter Road North	Between point 16a and point 16b as shown on Sheet 1A of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of approximately 260m.	No Parking or Stopping at any time – double red line markings (to include verges and hard strips)
West Sussex County Council	North Terminal Roundabout	Point 17 as shown on Sheet 1A of the Traffic Regulation Measures – Clearways and Prohibitions plans for a	Clearway (to include verges and hard strips)

		length of approximately 265m.	
West Sussex County Council, Gatwick Airport Limited	Northway	Between point 18a and point 18b as shown on Sheet 1A of the Traffic Regulation Measures - Clearways and Prohibitions plans for a length of approximately 65m.	No Parking or Stopping at any time – double red line markings (to include verges and hard strips)
West Sussex County Council, Gatwick Airport Limited	Longbridge Way	Between point 19a and point 19b as shown on Sheet 1A of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of approximately 90m.	No Parking or Stopping at any time – double red line markings (to include verges and hard strips)
West Sussex County Council	North Terminal Link	Between point 20a and point 20b as shown on Sheet 1A of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of approximately 110m.	Clearway (to include verges and hard strips)
West Sussex County Council	A23 London Road Northbound	Between point 21a and point 21b as shown on Sheet 1A of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of approximately 1030m.	Clearway (to include verges and hard strips)
West Sussex County Council	A23 London Road Southbound	Between point 22a and point 22b as shown on Sheet 1A of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of approximately 1030m.	Clearway (to include verges and hard strips)
West Sussex County Council	A23 London Road Northbound Left-in Diverge to North Terminal Roundabout	Between point 23a and point 23b as shown on Sheet 1A of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of approximately 325m.	Clearway (to include verges and hard strips)
West Sussex County Council, Gatwick Airport Limited	North Terminal Approach	Between point 14a and point 14b as shown on Sheet 1A of the Traffic Regulation Measures – Clearways and Prohibitions plans for a	Height restriction (4.8m) beneath Inter Terminal Transit Shuttle Viaduct Structure

		length of approximately 125m.	
West Sussex County Council, Gatwick Airport Limited	Gatwick Way Northbound	Between point 24a and point 14b as shown on Sheet 1A of the Traffic Regulation Measures - Clearways and Prohibitions plans for a length of approximately 320m.	Height restriction (4.5m) beneath Inter Terminal Transit Shuttle Viaduct Structure
West Sussex County Council	A23 London Road southbound / North Terminal Link Signal-Controlled Junction	Point 25 as shown on Sheet 1A of the Traffic Regulation Measures – Clearways and Prohibitions plans.	No right turn from A23 London Road southbound to North Terminal Link
West Sussex County Council	A23 London Road northbound / North Terminal Link Signal-Controlled Junction	Point 26 as shown on Sheet 1A of the Traffic Regulation Measures – Clearways and Prohibitions plans.	No left turn from A23 London Road northbound to North Terminal Link
West Sussex County Council, Gatwick Airport Limited	Car Park B access road	Between point 27a and point 27b as shown on Sheet 1A of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of approximately 125m.	No Waiting or Loading At any time double yellow line markings (to include verges and hard strips)
West Sussex County Council, Gatwick Airport Limited	Car Park B access road	Between point 27a and point 27b as shown on Sheet 1A of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of approximately 125m.	Height restriction (3.9m) beneath the Airport Way Rail Bridge
West Sussex County Council	Gatwick Way Priority Junction with North Terminal Routh Segregated Lane	Point 28 as shown on Sheet 1A of the Traffic Regulation Measures – Clearways and Prohibitions plans.	No right turn from Gatwick Way to North Terminal Roundabout Segregated Lane

### PART 3

#### REVOCATIONS & VARIATIONS OF EXISTING TRAFFIC REGULATION ORDERS

<i>(1)</i> Area	<i>(2)</i> Road	<i>(3)</i> Title of Order	<i>(4)</i> Revocations or Variations
Existing Traffic Regulation Order: Speed limit			

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West Sussex County Council	Existing M23 Spur (Gatwick Spur) westbound carriageway	The M23 Motorway (Gatwick Spur) (50 Miles Per Hour Speed Limit) Regulations 2020 (a)	Speed Limit order of 50mph to be revoked for the existing M23 Spur between point 1A and point 5B as shown on Sheet 2 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of approximately 1210m.
West Sussex County Council	Existing South Terminal Roundabout	The A23 Trunk Road (Airport Way, Gatwick Airport) 50 miles Per Hour Speed Limit Order 2011 (b) referring to: (i) both carriageways of the A23 (Airport Way) between the North Terminal Roundabout (Airport Way Roundabout West) and the South Terminal roundabout (Airport Way Roundabout East) at Gatwick Airport, including both roundabouts, a total distance of approximately 1300 meters;	Speed Limit order of 50mph to be revoked for the existing South Terminal Roundabout carriageway, shown as point 11 on Sheet 2 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of approximately 310m.
West Sussex County Council	Existing Ring Road South	The A23 Trunk Road (Airport Way, Gatwick Airport) 50 miles Per Hour Speed Limit Order 2011 referring to: (i) both carriageways of the A23 (Airport Way) between the North Terminal Roundabout (Airport Way Roundabout West) and the South Terminal roundabout (Airport Way Roundabout East) at Gatwick Airport, including both roundabouts, a total distance of approximately 1300 meters;	Speed Limit order of 50mph to be revoked for the existing Ring Road South carriageway between point 9A and point 9C as shown on Sheet 2 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of approximately 50m.

(a) S.I. 2020/721.  
(b) S.I. 2011/2027.

West Sussex County Council	Existing Ring Road North	The A23 Trunk Road (Airport Way, Gatwick Airport) 50 miles Per Hour Speed Limit) Order 2011 referring to: (i) both carriageways of the A23 (Airport Way) between the North Terminal Roundabout (Airport Way Roundabout West) and the South Terminal roundabout (Airport Way Roundabout East) at Gatwick Airport, including both roundabouts, a total distance of approximately 1300 meters;	Speed Limit order of 50mph to be revoked for the existing Ring Road North carriageway between point 10C and point 10B as shown on Sheet 2 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of approximately 10m.
West Sussex County Council	Existing Airport Way Eastbound carriageway between South Terminal and North Terminal	The A23 Trunk Road (Airport Way, Gatwick Airport) 50 miles Per Hour Speed Limit) Order 2011 referring to: (i) both carriageways of the A23 (Airport Way) between the North Terminal Roundabout (Airport Way Roundabout West) and the South Terminal roundabout (Airport Way Roundabout East) at Gatwick Airport, including both roundabouts, a total distance of approximately 1300 meters;	Speed Limit order of 50mph to be revoked for the existing Airport Way eastbound carriageway between point 47A and point 15B as shown on Sheets 2 and 3 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of approximately 1290m.
West Sussex County Council	Existing Airport Way Westbound carriageway between South Terminal and North Terminal	The A23 Trunk Road (Airport Way, Gatwick Airport) 50 miles Per Hour Speed Limit) Order 2011 referring to: (i) both carriageways of the A23 (Airport Way) between the North Terminal Roundabout (Airport Way Roundabout West) and the South Terminal roundabout (Airport Way Roundabout East) at Gatwick Airport, including both roundabouts, a total	Speed Limit order of 50mph to be revoked for the existing Airport Way westbound carriageway between point 12A and point 19A as shown on Sheets 2 and 3 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of approximately 1290m.



		distance of approximately 1300 meters;	
West Sussex County Council	Existing segregated lane from Airport Way westbound to North Terminal Approach	The A23 Trunk Road (Airport Way, Gatwick Airport) 50 miles Per Hour Speed Limit Order 2011 referring to: (i) both carriageways of the A23 (Airport Way) between the North Terminal Roundabout (Airport Way Roundabout West) and the South Terminal roundabout (Airport Way Roundabout East) at Gatwick Airport, including both roundabouts, a total distance of approximately 1300 meters;	Speed Limit order of 50mph to be revoked for the existing segregated lane from Airport Way westbound to North Terminal Approach between point 20A and point 21B as shown on Sheet 1 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of approximately 130m.
West Sussex County Council	Existing North Terminal Roundabout	The A23 Trunk Road (Airport Way, Gatwick Airport) 50 miles Per Hour Speed Limit Order 2011 referring to: (i) both carriageways of the A23 (Airport Way) between the North Terminal Roundabout (Airport Way Roundabout West) and the South Terminal roundabout (Airport Way Roundabout East) at Gatwick Airport, including both roundabouts, a total distance of approximately 1300 meters;	Speed Limit order of 50mph to be revoked for the existing North Terminal Roundabout carriageway, shown as point 25 on Sheet 1 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of approximately 220m.
West Sussex County Council	Existing Gatwick Way	The A23 Trunk Road (Airport Way, Gatwick Airport) 50 miles Per Hour Speed Limit Order 2011 referring to: (i) both carriageways of the A23 (Airport Way) between the North Terminal Roundabout (Airport Way Roundabout West) and the South Terminal roundabout (Airport Way Roundabout East)	Speed Limit order of 50mph to be revoked for the existing Gatwick Way carriageway between point 23A and point 23C as shown on Sheet 1 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of approximately 20m.

		at Gatwick Airport, including both roundabouts, a total distance of approximately 1300 meters;	
West Sussex County Council	Existing North Terminal Approach	The A23 Trunk Road (Airport Way, Gatwick Airport) 50 miles Per Hour Speed Limit) Order 2011 referring to: (i) both carriageways of the A23 (Airport Way) between the North Terminal Roundabout (Airport Way Roundabout West) and the South Terminal roundabout (Airport Way Roundabout East) at Gatwick Airport, including both roundabouts, a total distance of approximately 1300 meters;	Speed Limit order of 50mph to be revoked for the existing North Terminal Approach carriageway between point 22A and point 22C as shown on Sheet 1 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of approximately 20m.
West Sussex County Council	Existing Northway	The A23 Trunk Road (Airport Way, Gatwick Airport) 50 miles Per Hour Speed Limit) Order 2011 referring to: (i) both carriageways of the A23 (Airport Way) between the North Terminal Roundabout (Airport Way Roundabout West) and the South Terminal roundabout (Airport Way Roundabout East) at Gatwick Airport, including both roundabouts, a total distance of approximately 1300 meters;	Speed Limit order of 50mph to be revoked for the existing Northway carriageway between point 26C and point 26B as shown on Sheet 1 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of approximately 20m.
West Sussex County Council	Existing Longbridge Way	The A23 Trunk Road (Airport Way, Gatwick Airport) 50 miles Per Hour Speed Limit) Order 2011 referring to: (i) both carriageways of the A23 (Airport Way) between the North Terminal Roundabout (Airport Way Roundabout West) and	Speed Limit order of 50mph to be revoked for the existing Longbridge Way carriageway between point 27C and point 27B as shown on Sheet 1 of the Existing Traffic Regulation Measures – Speed Limits plans

		the South Terminal roundabout (Airport Way Roundabout East) at Gatwick Airport, including both roundabouts, a total distance of approximately 1300 meters;	for a length of approximately 30m.
West Sussex County Council	Existing slip road from North Terminal Roundabout to A23 London Road Northbound	The A23 Trunk Road (Airport Way, Gatwick Airport) 50 miles Per Hour Speed Limit Order 2011 referring to: (ii) the slip roads leading from the North Terminal roundabout to the northbound carriageway of the A23 (London Road);	Speed Limit order of 50mph to be revoked for the existing slip road from A23 London Road northbound to North Terminal Roundabout between point 30A and point 31B as shown on Sheet 1 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of approximately 280m.
West Sussex County Council	Existing slip road from A23 London Road Northbound to North Terminal Roundabout	The A23 Trunk Road (Airport Way, Gatwick Airport) 50 miles Per Hour Speed Limit Order 2011 referring to: (iii) the slip road leading from the northbound carriageway of the A23 (London Road) to the North Terminal roundabout; and	Speed Limit order of 50mph to be revoked for the existing slip road from A23 London Road northbound to North Terminal Roundabout between point 34A and point 35B as shown on Sheet 1 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of approximately 260m.
West Sussex County Council	Existing A23 London Road Diverge to Airport Way Eastbound	The A23 Trunk Road (Airport Way, Gatwick Airport) 50 miles Per Hour Speed Limit Order 2011 referring to: (iv) the slip road leading to the eastbound carriageway of Airport Way from the southbound carriageway of the A23 (London Road).	Speed Limit order of 50mph to be revoked for the existing A23 London Road Diverge to Airport Way Eastbound carriageway between point 18A and point 18B as shown on Sheet 1 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of

			approximately 470m.
West Sussex County Council, Surrey County Council	Existing B2036 Balcombe Road	Order not cited.	Speed Limit order of 60mph for the existing B2036 Balcombe Road carriageway is to be varied between point 4A and point 4B as shown on Sheet 1 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of approximately 160m.
West Sussex County Council	Existing A23 London Road northbound	Order not cited.	Speed Limit order of 30mph to be revoked for the existing A23 London northbound carriageway between point 36B and point 32B as shown on Sheet 1 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of approximately 30m.
West Sussex County Council	Existing A23 London Road northbound	Order not cited.	Speed Limit order of 50mph to be revoked for the existing A23 London Road northbound carriageway between point 32A and point 32B as shown on Sheet 1 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of approximately 1130m.
West Sussex County Council	Existing A23 London Road southbound	Order not cited.	Speed Limit order of 30mph to be revoked for the existing A23 London Road southbound carriageway between point 38B and point 33A as shown on Sheet 1 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of

			approximately 20m.
West Sussex County Council	Existing A23 London Road southbound	Order not cited.	Speed Limit of 50mph order to be revoked for the existing A23 London Road southbound carriageway between point 33A and point 33B as shown on Sheet 1 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of approximately 1130m.
West Sussex County Council	Existing A23 Brighton Road Segregated Left Turn Lane onto A23 London Road southbound3	Order not cited.	Speed Limit order of 30mph to be revoked for the existing A23 Brighton Road Segregated Left Turn Lane onto A23 London Road southbound carriageway between point 40B and point 41A as shown on Sheet 1 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of approximately 20m.
West Sussex County Council	Existing A23 Brighton Road Segregated Left Turn Lane onto A23 London Road southbound5	Order not cited.	Speed Limit order of 50mph to be revoked for the existing A23 Brighton Road Segregated Left Turn Lane onto A23 London Road southbound carriageway between point 41A and point 41B as shown on Sheet 1 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of approximately 30m.
Surrey County Council	Existing A23 London Road northbound	Order not cited.	Speed Limit order of 30mph to be revoked for the existing A23 London Road northbound carriageway between

			point 37B and point 36B as shown on Sheet 1 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of approximately 10m.
Surrey County Council	Existing A23 London Road southbound	Order not cited.	Speed Limit order of 30mph to be revoked for the existing A23 London Road southbound carriageway between point 38A and point 38B as shown on Sheet 1 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of approximately 20m.
Surrey County Council	Existing Longbridge Roundabout	Order not cited.	Speed Limit order of 30mph to be revoked for the existing Longbridge Roundabout carriageway, shown as point 42 on Sheet 1 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of approximately 170m.
Surrey County Council	Existing A23 Brighton Road	Order not cited.	Speed Limit order of 30mph to be revoked for the existing A23 Brighton Road carriageway between point 39A and point 39B as shown on Sheet 1 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of approximately 230m.
Surrey County Council	Existing A23 Brighton Road Segregated Left Turn Lane onto A23 London Road southbound	Order not cited.	Speed Limit order of 30mph to be revoked for the existing A23 Brighton Road Segregated Left Turn Lane onto A23 London Road

			southbound carriageway between point 40A and point 40B as shown on Sheet 1 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of approximately 60m.
Surrey County Council	Existing Povey Cross	Order not cited.	Speed Limit order of 30mph to be revoked for the existing Povey Cross southbound carriageway between point 45A and point 45B as shown on Sheet 1 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of approximately 70m.
Surrey County Council	Existing A217	Order not cited.	Speed Limit order of 40mph to be revoked for the existing A217 carriageway between point 43A and point 43B as shown on Sheet 1 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of approximately 20m.
Surrey County Council	Existing A217	Order not cited.	Speed Limit order of 30mph to be revoked for the existing A217 carriageway between point 43B and point 44B as shown on Sheet 1 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of approximately 110m.
West Sussex County Council, Gatwick Airport Limited	Existing Ring Road South	The Gatwick Airport Road Network Speed Limit Restrictions Order 2013: Length of road upon which a 30mph Speed Limit Restriction is required;	Speed Limit order of 30mph to be revoked for the existing Ring Road South carriageway between point 9C and point 9B as shown on Sheet 2 of the

			Existing Traffic Regulation Measures – Speed Limits plans for a length of approximately 50m.
West Sussex County Council, Gatwick Airport Limited	Existing Ring Road North	The Gatwick Airport Road Network Speed Limit Restrictions Order 2013: Length of road upon which a 30mph Speed Limit Restriction is required;	Speed Limit order of 30mph to be revoked for the existing Ring Road North carriageway between point 10A and point 10C as shown on Sheet 2 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of approximately 80m.
West Sussex County Council, Gatwick Airport Limited	Existing Gatwick Way	The Gatwick Airport Road Network Speed Limit Restrictions Order 2013: Length of road upon which a 30mph Speed Limit Restriction is required;	Speed Limit order of 30mph to be revoked for the existing Gatwick Way carriageway between point 23C and point 23B as shown on Sheet 1 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of approximately 180m.
Gatwick Airport Limited	Existing Perimeter Road	The Gatwick Airport Road Network Speed Limit Restrictions Order 2013: Length of road upon which a 30mph Speed Limit Restriction is required;	Speed Limit order of 30mph to be revoked for the existing Perimeter Road carriageway between point 24A and point 24B as shown on Sheet 1 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of approximately 260m.
West Sussex County Council, Gatwick Airport Limited	Existing North Terminal Approach	The Gatwick Airport Road Network Speed Limit Restrictions Order 2013: Length of road upon which a 30mph Speed Limit Restriction is required;	Speed Limit order of 30mph to be revoked for the existing North Terminal Approach carriageway between point 22C and point 22B as shown on Sheet 1 of the Existing Traffic Regulation Measures



			– Speed Limits plans for a length of approximately 130m.
West Sussex County Council, Gatwick Airport Limited	Existing Northway	The Gatwick Airport Road Network Speed Limit Restrictions Order 2013: Length of road upon which a 30mph Speed Limit Restriction is required;	Speed Limit order of 30mph to be revoked for the existing Northway carriageway between point 26A and point 26C as shown on Sheet 1 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of approximately 80m.
West Sussex County Council, Gatwick Airport Limited	Existing Longbridge Way	The Gatwick Airport Road Network Speed Limit Restrictions Order 2013: Length of road upon which a 30mph Speed Limit Restriction is required;	Speed Limit order of 30mph to be revoked for the existing Longbridge Way carriageway between point 27A and point 27C as shown on Sheet 1 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of approximately 70m.
Gatwick Airport Limited	Existing Car Park B access road	The Gatwick Airport Road Network Speed Limit Restrictions Order 2013: Length of road upon which a 30mph Speed Limit Restriction is required;	Speed Limit order of 30mph to be revoked for the existing Car Park B access road carriageway between point 46A and point 46B as shown on Sheet 1 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of approximately 130m.
Existing Traffic Regulation Order: Waiting/ Loading/ Parking/ Clearway			
West Sussex County Council	Existing Airport Way Eastbound carriageway between South Terminal and North Terminal	The A23 London Brighton Trunk Road (Prohibition of Waiting) (Clearways) Order 1977 referring to: (i) both carriageways of the dual section of Gatwick Link Road between Gatwick Roundabout West and Gatwick Roundabout	Clearway order to be revoked for the existing Airport Way eastbound carriageway between point 28A and point 9B as shown on Sheets 1 and 2 of the Existing Traffic Regulation Measures – Clearways and

		East;	Prohibitions plans for a length of approximately 1260m.
West Sussex County Council	Existing Airport Way Westbound carriageway between South Terminal and North Terminal	The A23 London Brighton Trunk Road (Prohibition of Waiting) (Clearways) Order 1977 referring to: (i) both carriageways of the dual section of Gatwick Link Road between Gatwick Roundabout West and Gatwick Roundabout East;	Clearway order to be revoked for the existing Airport Way eastbound carriageway between point 8A and point 10B as shown on Sheets 1 and 2 of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of approximately 1260m.
West Sussex County Council	Existing South Terminal Roundabout	The A23 London Brighton Trunk Road (Prohibition of Waiting) (Clearways) Order 1977 referring to: (ii) the carriageways of Gatwick Roundabout West and Gatwick Roundabout East;	Clearway order to be revoked for the existing South Terminal Roundabout carriageway, point 6 as shown on Sheet 2 of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of approximately 310m.
West Sussex County Council	Existing North Terminal Roundabout	The A23 London Brighton Trunk Road (Prohibition of Waiting) (Clearways) Order 1977 referring to: (ii) the carriageways of Gatwick Roundabout West and Gatwick Roundabout East;	Clearway order to be revoked for the existing North Terminal Roundabout carriageway, point 17 as shown on Sheet 1 of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of approximately 220m.
West Sussex County Council	Existing slip road from North Terminal Roundabout to A23 London Road Northbound	The A23 London Brighton Trunk Road (Prohibition of Waiting) (Clearways) Order 1977 referring to: (iii) the slip road extending from Gatwick Roundabout West and joining the north-west	Clearway order to be revoked for the existing slip road from North Terminal Roundabout to A23 London Road Northbound between point 20A and point 20B as shown on

		bound (London-bound) carriageway of the A23 Trunk Road at a point 205 meters north of that roundabout;	Sheet 1 of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of approximately 270m.
West Sussex County Council	Existing slip road from A23 London Road Northbound to North Terminal Roundabout	The A23 London Brighton Trunk Road (Prohibition of Waiting) (Clearways) Order 1977 referring to: (iv) the slip road extending from the north-west bound (London-bound) carriageway of the A23 Trunk Road at a point 215 meters east of the Gatwick Roundabout West to that roundabout;	Clearway order to be revoked for the existing slip road from A23 London Road Northbound to North Terminal Roundabout between point 23A and point 23B as shown on Sheet 1 of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of approximately 260m.
West Sussex County Council	Existing A23 London Road Diverge to Airport Way Eastbound	The A23 London Brighton Trunk Road (Prohibition of Waiting) (Clearways) Order 1977 referring to: (v) the slip road extending from the southbound (Brighton-bound) carriageway of the A23 Trunk Road at a point 675 meters west of the point where the Gatwick Link Road crosses the Western boundary of the London-Brighton Railway line to its junction with the Gatwick Link Road at a point 151 meters west of that point;	Clearway order to be revoked for the existing A23 London Road Diverge to Airport Way Eastbound carriageway between point 11A and point 11B as shown on Sheet 1 of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of approximately 460m.
West Sussex County Council	Existing Hard shoulder of the existing Airport Way Eastbound carriageway between South Terminal and North Terminal	The A23 London Brighton Trunk Road (Prohibition of Waiting) (Clearways) Order 1977 referring to: (vi) the hard shoulders alongside both carriageways of the dual section of Gatwick Link Road between Gatwick Roundabout West and Gatwick Roundabout	Clearway order to be revoked for the hard shoulder of the existing Airport Way Eastbound carriageway between point 28A and point 9B as shown on Sheets 1 and 2 of the Traffic Regulation Measures – Clearways and

		East.	Prohibitions plans for a length of approximately 1260m.
West Sussex County Council	Existing Hard shoulder of the existing Airport Way Westbound carriageway between South Terminal and North Terminal	The A23 London Brighton Trunk Road (Prohibition of Waiting) (Clearways) Order 1977 referring to: (vi) the hard shoulders alongside both carriageways of the dual section of Gatwick Link Road between Gatwick Roundabout West and Gatwick Roundabout East.	Clearway order to be revoked for the hard shoulder of the existing Airport Way eastbound carriageway between point 8A and point 10B as shown on Sheets 1 and 2 of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of approximately 1260m.
West Sussex County Council	Existing A23 London Road northbound between the bridge over the River Mole and Airport Way bridge over A23 London Road	Order not cited.	Clearway order to be revoked for the existing A23 London Road northbound carriageway between point 21A and point 21B as shown on Sheet 1 of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of approximately 1030m.
West Sussex County Council	Existing A23 London Road southbound between the bridge over the River Mole and Airport Way bridge over A23 London Road	Order not cited.	Clearway order to be revoked for the existing A23 London Road southbound carriageway between point 22A and point 22B as shown on Sheet 1 of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of approximately 1030m.
Existing Traffic Regulation Order: Waiting/ Loading/ Parking/ Clearway			
West Sussex County Council, Gatwick Airport Limited	Existing Ring Road South	The Gatwick Airport Road Network Waiting/ Loading/ Parking/ Clearway Traffic Regulation Order 2021:	No Parking or Stopping at any time order to be revoked for the existing Ring Road South

		No Parking or Stopping at any time – double red line markings;	carriageway between point 5A and point 5B as shown on Sheet 2 of the Existing Traffic Regulation Measures – Clearways and Prohibitions plans for a length of approximately 90m.
West Sussex County Council, Gatwick Airport Limited	Existing Ring Road North	The Gatwick Airport Road Network Waiting/ Loading/ Parking/ Clearway Traffic Regulation Order 2021: No Parking or Stopping at any time – double red line markings;	No Parking or Stopping at any time order to be revoked for the existing Ring Road North carriageway between point 7A and point 7B as shown on Sheet 2 of the Existing Traffic Regulation Measures – Clearways and Prohibitions plans for a length of approximately 90m.
West Sussex County Council, Gatwick Airport Limited	Existing Gatwick Way	The Gatwick Airport Road Network Waiting/ Loading/ Parking/ Clearway Traffic Regulation Order 2021: No Parking or Stopping at any time – double red line markings;	No Parking or Stopping at any time order to be revoked for the existing Gatwick Way carriageway between point 15A and point 15B as shown on Sheet 1 of the Existing Traffic Regulation Measures – Clearways and Prohibitions plans for a length of approximately 180m.
Gatwick Airport Limited	Existing Perimeter Road	The Gatwick Airport Road Network Waiting/ Loading/ Parking/ Clearway Traffic Regulation Order 2021: No Parking or Stopping at any time – double red line markings;	No Parking or Stopping at any time order to be revoked for the existing Perimeter Road carriageway between point 16A and point 16B as shown on Sheet 1 of the Existing Traffic Regulation Measures – Clearways and Prohibitions plans for a length of approximately 260m.

West Sussex County Council, Gatwick Airport Limited	Existing North Terminal Approach	The Gatwick Airport Road Network Waiting/ Loading/ Parking/ Clearway Traffic Regulation Order 2021: No Parking or Stopping at any time – double red line markings;	No Parking or Stopping at any time order to be revoked for the existing North Terminal Approach carriageway between point 14A and point 14B as shown on Sheet 1 of the Existing Traffic Regulation Measures – Clearways and Prohibitions plans for a length of approximately 130m.
West Sussex County Council, Gatwick Airport Limited	Existing Northway	The Gatwick Airport Road Network Waiting/ Loading/ Parking/ Clearway Traffic Regulation Order 2021: No Parking or Stopping at any time – double red line markings;	No Parking or Stopping at any time order to be revoked for the existing Northway carriageway between point 18A and point 18B as shown on Sheet 1 of the Existing Traffic Regulation Measures – Clearways and Prohibitions plans for a length of approximately 80m.
West Sussex County Council, Gatwick Airport Limited	Existing Longbridge Way	The Gatwick Airport Road Network Waiting/ Loading/ Parking/ Clearway Traffic Regulation Order 2021: No Parking or Stopping at any time – double red line markings;	No Parking or Stopping at any time order to be revoked for the existing Longbridge Way carriageway between point 19A and point 19B as shown on Sheet 1 of the Existing Traffic Regulation Measures – Clearways and Prohibitions plans for a length of approximately 100m.
Gatwick Airport Limited	Existing Car Park B access road	The Gatwick Airport Road Network Waiting/ Loading/ Parking/ Clearway Traffic Regulation Order 2021: No Waiting or Loading at any time – double yellow line markings;	No Waiting or Loading at any time order to be revoked for the existing Car Park B access road carriageway between point 27A and point 27B as shown on Sheet 1 of the

			Existing Traffic Regulation Measures – Clearways and Prohibitions plans for a length of approximately 130m.
Existing Traffic Regulation Order: Height and Weight			
West Sussex County Council, Gatwick Airport Limited	Existing Gatwick Way	Order not cited.	Height Restriction of 4.5m is to be revoked for the existing Gatwick Way carriageway between point 24A and point 14B as shown on Sheet 1 of the Existing Traffic Regulation Measures – Clearways and Prohibitions plans for a length of approximately 315m.
West Sussex County Council, Gatwick Airport Limited	Existing North Terminal Approach	Order not cited.	Height Restriction of 4.8m is to be revoked for the existing North Terminal Approach carriageway between point 14A and point 14B as shown on Sheet 1 of the Existing Traffic Regulation Measures – Clearways and Prohibitions plans for a length of approximately 140m.
Gatwick Airport Limited	Car Park B access road	The Gatwick Airport Road Network Height and Weight Restrictions Order 2013: Length of Road upon which a Height Restriction is required;	Height Restriction of 3.9m is to be revoked for the existing Car Park B access road carriageway between point 27A and point 27B as shown on Sheet 1 of the Existing Traffic Regulation Measures – Clearways and Prohibitions plans for a length of approximately 130m.

SCHEDULE 7

Article 28

Land in Which Only New Rights etc. May be Acquired

<i>(1)</i> <i>Plot Reference Number shown on Land Plans</i>	<i>(2)</i> <i>Purpose for which rights over land may be acquired</i>
1/005, 1/007, 1/012, 1/021, 1/022, 1/023, 1/028, 1/036, 1/037, 1/040, 1/043, 1/044, 1/045, 1/048, 1/050, 1/051, 1/052, 1/054, 1/060, 1/062, 1/085, 1/089, 1/092, 1/093, 1/164, 1/172, 1/205, 1/212, 1/226, 1/232, 1/234, 1/235, 1/239, 1/242A, 1/286, 1/315, 1/319, 4/461, 4/468, 4/478, 4/479, 4/485, 4/489, 4/493, 4/496, 4/502, 4/539, 4/550	Minor works, including protective works, access or utility divisions.

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**Modification of Compensation and Compulsory Purchase Enactments for Creation of New Rights and Imposition of Restrictive Covenants**

**Compensation enactments**

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

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

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

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

3.—(1) Without limiting paragraph 1, the 1961 Act has effect subject to the modification set out in sub-paragraph (2).

(2) For section 5A(5A) (relevant valuation date) of the 1961 Act, after “if” substitute—

- “(a) the acquiring authority enters on land for the purpose of exercising a right in pursuance of a notice of entry under section 11(1) of the 1965 Act;
- (b) the acquiring authority is subsequently required by a determination under paragraph 13 of Schedule 2A to the 1965 Act (as substituted by paragraph 10 of Schedule 8 (modification of compensation and compulsory purchase enactments for creation of new rights and imposition of restrictive covenants) to the Gatwick Airport (Northern Runway Project) Development Consent Order 202[ ]) to acquire an interest in the land; and
- (c) the acquiring authority enters on and takes possession of that land,  
the authority is deemed for the purposes of subsection (3)(a) to have entered on that land where it entered on that land for the purpose of exercising that right.”

**Application of the 1965 Act**

4.—(1) The 1965 Act has effect with the modifications necessary to make it apply to the compulsory acquisition under this Order of a right by the creation of a new right, or to the imposition under this Order of a restrictive covenant, as it applies to the compulsory acquisition under this Order of land, so that, in appropriate contexts, references in that Act to land are read (according to the requirements of the particular context) as referring to, or as including references—

- (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 restrictive covenant is or is to be enforceable.

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(a) 1973 c. 26.

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

**5.** 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 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.”.

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

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

are modified 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.

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

**8.** Section 20(d) (protection for interests of 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.

**9.** Section 22 (interests omitted from purchase) of the 1965 Act is 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.

**10.** For Schedule 2A of the 1965 Act substitute—

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- (a) 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) and S.I. 2009/1307.
  - (b) Section 12 was amended by section 56(2) of, and Part 1 of Schedule 9 to, the Courts Act 1971 (c. 23).
  - (c) Section 13 was amended by sections 62(3), 139(4) to (9) and 146 of, and paragraphs 27 and 28 of Schedule 13 and Part 3 of Schedule 23 to, the Tribunals, Courts and Enforcement Act 2007 (c. 15).
  - (d) Section 20 was amended by paragraph 4 of Schedule 15 to the Planning and Compensation Act 1991 (c. 34) and S.I. 2009/1307.

## “SCHEDULE 2A COUNTER-NOTICE REQUIRING PURCHASE OF LAND

### **Introduction**

1. This Schedule applies where an acquiring authority serves a notice to treat in respect of a right over, or 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 Compulsory Purchase (Vesting Declarations) Act 1981<sup>(a)</sup> as applied by article 34 (application of the 1981 Act and modification of the 2017 Regulations) of the Gatwick Airport (Northern Runway Project) Development Consent Order 202[ ] in respect of the land to which the notice to treat relates.

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

### **Counter-notice requiring purchase of land**

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

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

### **Response to counter-notice**

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

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

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

7. If the acquiring authority decides to refer the counter-notice to the Upper Tribunal it must do so within the decision period.

8. If the acquiring authority 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 acquiring authority 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 included the owner’s interest in the house, building or factory.

### **Determination by 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

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<sup>(a)</sup> 1981 c. 66, as amended by 5(3) of the Housing and Planning Act 2016 (c. 22).

- (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 its determination, the Upper Tribunal must take into account—

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

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

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

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

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

(3) Any dispute as to the compensation is to be determined by the Upper Tribunal.”.

#### **Application of the 2017 Regulations**

**11.** References in Schedule 1 to the 2017 Regulations to land are, in the appropriate contexts, to be read (according to the requirements of the 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 to be exercisable, or the restrictive covenant is or is to be enforceable.

SCHEDULE 9  
Protective Provisions

Article 50

PART 1  
FOR THE PROTECTION OF ELECTRICITY, GAS, WATER AND SEWAGE  
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 undertaker;
- (b) in the case of a gas undertaker, any mains, pipes or other apparatus belonging to or maintained by a gas transporter within the meaning of Part 1 of the Gas Act 1986(b) for the purposes of gas supply;
- (c) in the case of a water undertaker, mains, pipes or other apparatus belonging to or maintained by that undertaker for the purposes of water supply; and
- (d) in the case of a sewerage undertaker—
  - (i) any drain or works vested in the undertaker under the Water Industry Act 1991(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 of works) of that Act or an agreement to adopt made under section 104 (agreements to adopt sewer, drain or sewage disposal works, at a future date) of that Act,

and includes a sludge main, disposal main (within the meaning of section 219 (general interpretation) of that Act) or sewer outfall and any manholes, ventilating shafts, pumps or other accessories forming part of any such sewer, drain or works, and includes any structure in which apparatus is or is to be lodged or which gives or will give access to apparatus;

“functions” includes powers and duties;

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

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

“utility undertaker” means—

- (a) any licence holder within the meaning of Part 1 of the Electricity Act 1989;
- (b) a gas transporter within the meaning of Part 1 of the Gas Act 1986;

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(a) 1989 c. 29.

(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 section 76 of the Utilities Act 2000 (c. 27).

(c) 1991 c. 56.

- (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; and
  - (e) 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 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 public rights of way**

4.—(1) Where any public right of way is stopped up under article 15 (public rights of way – creation, diversion and stopping up), any utility undertaker whose apparatus is in the public right of way has the same powers and rights in respect of that apparatus in the public right of way 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 alteration, diversion or restriction of any street under the powers conferred by article 14 (temporary closure of streets), a utility undertaker is at liberty at all times to take all necessary access across any such stopped up street and to execute and do all such works and things in, upon or under any such street 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 street.

### **Protective works to buildings**

5. The undertaker, in the case of the powers conferred by article 23 (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 (6).

(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 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 53 (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 53 (arbitration), and after the grant to the utility undertaker 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 the undertaker gives notice in writing to the utility undertaker in question that the undertaker desires itself to execute any work, or part of any work in connection with the construction or removal of apparatus in any land of the undertaker, that work, instead of being executed by the utility undertaker, must be executed by the undertaker without unnecessary delay under the superintendence, if given, and to the reasonable satisfaction of the utility undertaker.

(7) If the utility undertaker fails either reasonably to approve, or to provide reasons for its failure to approve along with an indication of what would be required to make acceptable, any proposed details relating to required removal works under sub-paragraph (2) within 28 days of receiving a notice of the required works from the undertaker, then such details are deemed to have been approved, provided that the undertaker has first taken all reasonable steps to contact the relevant representatives of the utility undertaker in order to elicit such a response.

(8) Any deemed approval under sub-paragraph (7) does not extend to the actual undertaking of the removal works, which remains the sole responsibility of the utility undertaker or its contractors.

#### **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 of the utility 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 or in default of agreement settled by arbitration in accordance with article 53 (arbitration).

(2) In settling those terms and conditions in respect of alternative apparatus to be constructed in the land of the undertaker, the arbitrator will—

- (a) give effect to all reasonable requirements of the undertaker for ensuring the safety and efficient operation of the authorised development and for securing any subsequent alterations or adaptations of the alternative apparatus which may be required to prevent interference with the proposed works of the undertaker; and
- (b) so far as it may be reasonable and practicable to do so in the circumstances of the particular case, give effect to the terms and conditions, if any, applicable to the apparatus constructed in or on the land for which the alternative apparatus is to be substituted.

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

such provision for the payment of compensation by the undertaker to that utility undertaker as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case.

### **Retained apparatus**

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

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

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

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

(6) The undertaker is not required to comply with sub-paragraph (1) in a case of emergency but in that case 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.

### **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) There must 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 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 53 (arbitration) to be necessary, then, if such placing involves cost in the construction of works under this Part of this Schedule exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount



which apart from this sub-paragraph would be payable to the 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 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 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), 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 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 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) unless a utility undertaker 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 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 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**

**12.** Where in consequence of the proposed construction of any 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 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.** Where, under this Part, the utility undertaker is required to give its consent or approval in respect of any matter, that consent or approval must not be unreasonably withheld or delayed.

14. 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

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

2. In this Part of this Schedule—

“the 2003 Act” means the Communications Act 2003;

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

“the electronic communications code” has the same meaning as in Chapter 1 of Part 2 of the 2003 Act(a);

“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 (application of the electronic communications code) of the 2003 Act; and

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

3. The exercise of the powers conferred by article 41 (statutory undertakers) is subject to Part 10 (undertaker’s works affecting electronic communications apparatus) of the electronic communications code.

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

(a) any damage is caused to any electronic communications apparatus belonging to an operator (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works), or other property of an operator; or

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

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

(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

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(a) See section 106.

undertaker 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.

(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 53 (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 damages, or any interruptions, caused by electro-magnetic interference arising from the construction or use of the authorised development.

(6) In respect of the acquisition of rights under or over or use of the utility undertaker's property, the utility undertaker must co-operate with the undertaker with a view to avoiding undue delay

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

## PART 3

### FOR THE PROTECTION OF NATIONAL HIGHWAYS

#### **Application etc.,**

1.—(1) The provisions of this Part of this Schedule apply for the protection of National Highways and have effect unless otherwise agreed in writing between the undertaker and National Highways.

(2) Except where expressly amended by the Order the powers and duties of National Highways or the Secretary of State under the 1980 Act, the 1984 Act, the 1991 Act, the Transport Act 2000 (a) and the 2015 Regulations shall continue to apply in respect of the exercise of all of National Highways' statutory functions.

#### **Interpretation**

2.—(1) Where the terms defined in article 2 (interpretation) of this Order are inconsistent with subparagraph (2) the latter prevail.

(2) In this Part of this Schedule—

“as built information” means one electronic copy of the following information—

- (a) as constructed drawings in both PDF and AutoCAD DWG formats for anything designed by the undertaker; in compliance with GG 184 or any successor document;
- (b) list of suppliers and materials used, as well as any relevant test results and CCTV surveys (if required to comply with DMRB standards);
- (c) product data sheets and technical specifications for all materials used;
- (d) as constructed information for any utilities discovered or moved during the works;
- (e) method statements for the works carried out;
- (f) in relation to road lighting, signs, and traffic signals any information required by Series 1300 and 1400 of the Specification for Highway Works or any replacement or modification of it;
- (g) organisation and methods manuals for all products used;

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(a) 2000 c. 38.

- (h) as constructed programme;
- (i) test results and records as required by the detailed design information and during construction phase of the project;
- (j) a stage 3 road safety audit subject to any exceptions to the road safety audit standard as agreed by the undertaker and National Highways;
- (k) the health and safety file; and
- (l) such other information as is required by National Highways to be used to update all relevant databases and to ensure compliance with National Highway's *Asset Data Management Manual* as is in operation at the relevant time.

“the bond sum” means the sum equal to 200% of the cost of carrying out the specified works (to include all costs plus any commuted sum) or such other sum agreed between the undertaker and National Highways;

“the cash surety” means the sum agreed between the undertaker and National Highways;

“commuted sum” means such sum calculated as provided for in paragraph 14 of this Part of this Schedule to be used to fund the future cost of maintaining the specified works;

“condition survey” means a survey of the condition of National Highways structures and assets within the Order limits that may be affected by the specified works;

“contractor” means any contractor or subcontractor appointed by the undertaker to carry out the specified works;

“defects period” means the period from the date of the provisional certificate to the date of the final certificate which shall be no less than 12 months from the date of the provisional certificate;

“detailed design information” means such of the following drawings specifications and calculations as are relevant to the development—

- (a) site clearance details;
- (b) boundary, environmental and mitigation fencing;
- (c) road restraints systems and supporting road restraint risk appraisal process assessment;
- (d) drainage and ducting as required by DMRB CD 535 Drainage asset data and risk management and DMRB CS551 Drainage surveys – standards for Highways;
- (e) earthworks including supporting geotechnical assessments required by DMRB CD622 Managing geotechnical risk and any required strengthened earthworks appraisal form certification;
- (f) pavement, pavement foundations, kerbs, footways and paved areas;
- (g) traffic signs and road markings;
- (h) traffic signal equipment and associated signal phasing and timing detail;
- (i) road lighting (including columns and brackets);
- (j) regime of California Bearing Ratio testing;
- (k) electrical work for road lighting, traffic signs and signals;
- (l) motorway communications as required by DMRB;
- (m) highway structures and any required structural approval in principle;
- (n) landscaping;
- (o) proposed departures from DMRB standards;
- (p) walking, cycling and horse riding assessment and review report;
- (q) stage 1 and stage 2 road safety audits and exceptions agreed;
- (r) utilities diversions;
- (s) topographical survey;

- (t) maintenance and repair strategy in accordance with DMRB GD304 Designing health and safety into maintenance or any replacement or modification of it;
- (u) health and safety information including any asbestos survey required by GG105 or any successor document; and
- (v) other such information that may be required by National Highways to be used to inform the detailed design of the specified works;

“DBFO contract” means the contract between National Highways and the highway operations and maintenance contractor for the maintenance and operation of parts of the strategic road network which are within the Order limits or any successor or replacement contract that may be current at the relevant time;

“DMRB” means the Design Manual for Roads and Bridges or any replacement or modification of it;

“final certificate” means the certificate relating to those aspects of the specified works that have resulted in any alteration to the strategic road network to be issued by National Highways pursuant to paragraph 12;

“the health and safety file” means the file or other permanent record containing the relevant health and safety information for the authorised development required by the Construction (Design and Management) Regulations 2015 (a) (or such updated or revised regulations as may come into force from time to time);

“highway operations and maintenance contractor” means the contractor appointed by National Highways under the DBFO contract;

“nominated persons” means the undertaker’s representatives or the contractor’s representatives on site during the carrying out of the specified works as notified to National Highways from time to time;

“programme of works” means a document setting out the sequence and timetabling of the specified works;

“provisional certificate” means the certificate of provisional completion relating to those aspects of the specified works that have resulted in any alteration to the strategic road network to be issued by National Highways in accordance with paragraph 8 when it considers the specified works are substantially complete and may be opened for traffic;

“road safety audit” means an audit carried out in accordance with the road safety audit standard;

“road safety audit standard” means DMRB Standard HD GG119 or any replacement or modification of it;

“road space booking” means road space bookings in accordance with National Highways’ Asset Management Operational Requirements (AMOR) including Network Occupancy Management System (NOMS) used to manage road space bookings and network occupancy;

“Specification for Highways Works” means the specification for highways works forming part of the manual of contract documents for highway works published by National Highways and setting out the requirements and approvals procedures for work, goods or materials used in the construction, improvement or maintenance of the strategic road network;

“specified works” means so much of any work, including highway works and signalisation, authorised by this Order including any maintenance of that work, as is on, in, under or over the strategic road network for which National Highways is the highway authority;

“strategic road network” means any part of the road network including trunk roads, special roads or streets for which National Highways is the highway authority including drainage infrastructure, street furniture, verges and vegetation and all other land, apparatus and rights located in, on, over or under the highway;

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(a) S.I. 2015/51.

“utilities” means any pipes wires cables or equipment belonging to any person or body having power or consent to undertake street works under the New Roads and Street Works Act 1991; and

“winter maintenance” means maintenance of the road surface to deal with snow and ice.

(3) References to any standards, manuals, contracts, Regulations and Directives including to specific standards forming part of the DMRB are, for the purposes of this Part of this Schedule, to be construed as a reference to the same as amended, substituted or replaced, and with such modifications as are required in those circumstances.

### **General**

3. In respect of any part of the strategic road network that is managed under a DBFO contract both National Highways and the highway operations and maintenance contractor shall have the benefit of this Part of this Schedule but for the purposes of any approvals required under this Part of this Schedule the undertaker shall liaise directly with National Highways.

### **Works outside the Order limits**

4. If the undertaker proposes to carry out works to the strategic road network that are outside of the Order limits in connection with the authorised development, the undertaker must enter into an agreement with National Highways in respect of the carrying out of those works prior to the commencement of those works.

### **Prior approvals and security**

5.—(1) The specified works must not commence until—

- (a) a stage 1 and stage 2 road safety audit has been carried out and all recommendations raised by them or any exceptions are approved by National Highways;
- (b) the programme of works has been approved by National Highways;
- (c) the detailed design of the specified works comprising of the following details, insofar as considered relevant by National Highways, has been submitted to and approved by National Highways—
  - (i) the detailed design information, incorporating all recommendations and any exceptions approved by National Highways under sub-paragraph (a)
  - (ii) details of the proposed road space bookings;
  - (iii) the identity and suitability of the contractor and nominated persons;
  - (iv) a process for stakeholder liaison, with key stakeholders to be identified and agreed between National Highways and the undertaker;
  - (v) information demonstrating that the walking, cycling and horse riding assessment and review process undertaken by the undertaker in relation to the specified works has been adhered to in accordance with DMRB GG142 – Designing for walking, cycling and horse riding; and
- (d) a scheme of traffic management has been submitted by the undertaker and approved by National Highways such scheme to be capable of amendment by agreement between the undertaker and National Highways from time to time;
- (e) stakeholder liaison has taken place in accordance with the process for such liaison agreed between the undertaker and National Highways under sub-paragraph (c)(iv) above;
- (f) National Highways has approved the audit brief and CVs for all road safety audits and exceptions to items raised in accordance with the road safety audit standard;
- (g) the undertaker has agreed the estimate of the commuted sum with National Highways;
- (h) the scope of all maintenance operations (routine inspections, incident management, reactive and third party damage) to be carried out by the undertaker during the

construction of the specified works (which must include winter maintenance) has been agreed in writing by National Highways;

- (i) the undertaker has procured to National Highways collateral warranties in a form approved by National Highways from the contractor and designer of the specified works in favour of National Highways to include covenants requiring the contractor and designer to exercise all reasonable skill care and diligence in designing and constructing the specified works, including in the selection of materials, goods, equipment and plant; and
- (j) a condition survey and regime of monitoring of any National Highways assets or structures that National Highways considers will be affected by the specified works, has been agreed in writing by National Highways.

(2) The undertaker must not exercise—

- (a) article 4 (maintenance of authorised development);
- (b) article 11 (street works);
- (c) article 13 (stopping up of streets);
- (d) article 14 (temporary closure of streets);
- (e) article 18 (traffic regulations);
- (f) article 22 (discharge of water);
- (g) article 23 (protective work to buildings);
- (h) article 24 (authority to survey and investigate the land);
- (i) article 25 (felling or lopping of trees and removal of hedgerows);
- (j) article 27 (compulsory acquisition of land);
- (k) article 28 (compulsory acquisition of rights and imposition of restrictive covenants);
- (l) article 37 (temporary use of land for carrying out the authorised development); or
- (m) article 39 (temporary use of land for maintaining the authorised development); of this Order,

over any part of the strategic road network without the consent of National Highways, and National Highways may in connection with any such exercise require the undertaker to provide details of any proposed road space bookings and/or submit a scheme of traffic management for National Highways' approval.

(3) National Highways must prior to the commencement of the specified works or the exercise of any power referenced in sub-paragraph (2) inform the undertaker of the identity of the person who will act as a point of contact on behalf of National Highways for consideration of the information required under sub-paragraph (1) or (2).

(4) Any approval of National Highways required under this paragraph—

- (a) must not be unreasonably withheld;
- (b) must be given in writing;
- (c) shall be deemed to have been refused if neither given nor refused within 2 months of the receipt of the information for approval or, where further particulars are requested by National Highways within 2 months of receipt of the information to which the request for further particulars relates; and
- (d) may be subject to any conditions as National Highways considers necessary.

(5) Any change to the identity of the contractor and/or designer of the specified works will be notified to National Highways immediately and details of their suitability to deliver the specified works will be provided on request along with collateral warranties in a form agreed by National Highways.

(6) Any change to the detailed design of the specified works must be approved by National Highways in accordance with paragraph 7(1) of this Part.

### Construction of the specified works

6.—(1) The undertaker must give National Highways 28 days' notice in writing of the date on which the specified works will start unless otherwise agreed by National Highways.

(2) The undertaker must comply with National Highways' road space booking procedures prior to and during the carrying out the specified works and no specified works for which a road space booking is required shall commence without a road space booking having first been secured from National Highways.

(3) The specified works must be carried out by the undertaker to the satisfaction of National Highways in accordance with—

- (a) the relevant detailed design information and programme of works approved pursuant to paragraph 5(1) above or as subsequently varied by agreement between the undertaker and National Highways;
- (b) the DMRB, the Manual of Contract Documents for Highway Works, including the Specification for Highway Works, together with all other relevant standards as required by National Highways to include, inter alia; all relevant interim advice notes, the Traffic Signs Manual and the Traffic Signs Regulations and General Directions 2016 (a) save to the extent that exceptions from those standards apply which have been approved by National Highways; and
- (c) all aspects of the Construction (Design and Management) Regulations 2015 or any statutory amendment or variation of the same and in particular the undertaker, as client, must ensure that all client duties (as defined in the said regulations) are undertaken to the satisfaction of National Highways.

(4) The undertaker must permit and must require the contractor to permit at all reasonable times persons authorised by National Highways (whose identity must have been previously notified to the undertaker by National Highways) to gain access to the specified works for the purposes of inspection and supervision of the specified works.

(5) If any part of the specified works is constructed—

- (a) other than in accordance with the requirements of this Part of this Schedule; or
- (b) in a way that causes damage to the highway, highway structure or asset or any other land of National Highways,

National Highways may by notice in writing require the undertaker, at the undertaker's own expense, to comply promptly with the requirements of this Part of this Schedule or remedy any damage notified to the undertaker under this Part of this Schedule, to the satisfaction of National Highways.

(6) If during the carrying out of the authorised development the undertaker or its appointed contractors or agents causes damage to the strategic road network then National Highways may by notice in writing require the undertaker, at its own expense, to remedy the damage.

(7) If within 28 days of the date on which a notice under sub-paragraph (5) or sub-paragraph (6) is served on the undertaker (or in the event of there being, in the opinion of National Highways, a danger to road users, within such lesser period as National Highways may stipulate), the undertaker has failed to take the steps required by that notice, National Highways may carry out the steps required of the undertaker and may recover any expenditure incurred by National Highways in so doing, such sum to be payable within 30 days of demand.

(8) Nothing in this Part of this Schedule prevents National Highways from carrying out any work or taking any such action as it reasonably believes to be necessary as a result of or in connection with the carrying out or maintenance of the authorised development without prior notice to the undertaker in the event of an emergency or to prevent the occurrence of danger to the public and National Highways may recover any expenditure it reasonably incurs in so doing.

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(a) S.I. 2016/362.



(9) In constructing the specified works, the undertaker must at its own expense divert or protect all utilities and all agreed alterations and reinstatement of highway over existing utilities must be constructed to the satisfaction of National Highways.

(10) During the construction of the specified works the undertaker must carry out all maintenance (including winter maintenance) in accordance with the scope of maintenance operations agreed by National Highways pursuant to paragraph 5(1)(h) and the undertaker must carry out such maintenance at its own cost.

(11) The undertaker must notify National Highways if it fails to complete the specified works in accordance with the agreed programme pursuant to paragraph 5(1)(b) of this Part or suspends the carrying out of any specified work beyond a reasonable period of time and National Highways reserves the right to withdraw any road space booking granted to the undertaker to ensure compliance with its network occupancy requirements.

## **Payments**

7.—(1) The undertaker must pay to National Highways a sum equal to the whole of any costs and expenses which National Highways incurs (including costs and expenses for using internal or external staff and costs relating to any work which becomes abortive) in relation to the specified works and in relation to any approvals sought under this Order, or otherwise incurred under this Part, including—

- (a) the checking and approval of the information required under paragraph 5(1);
- (b) the supervision of the specified works;
- (c) the checking and approval of the information required to determine approvals under this Order;
- (d) all costs in relation to the transfer of any land required for the specified works; and
- (e) all legal and administrative costs and disbursements incurred by National Highways in connection with the Order and sub-paragraphs (a)-(d); and
- (f) any value added tax which is payable by National Highways in respect of such costs and expenses and for which it cannot obtain reinstatement from HM Revenue and Customs,

together comprising “the NH costs”.

(2) The undertaker must pay to National Highways within 28 days of demand and prior to such costs being incurred the total costs that National Highways believe will be properly and necessarily incurred by National Highways in undertaking any statutory procedure or preparing and bringing into force any traffic regulation order or orders necessary to carry out or for effectively implementing the authorised development.

(3) National Highways must provide the undertaker with a schedule showing its estimate of the NH costs (the “estimated NH costs”) prior to the commencement of the specified works and the undertaker must pay to National Highways the estimated NH costs prior to commencing the specified works and in any event prior to National Highways incurring any cost.

(4) If at any time after the payment referred to in sub-paragraph (3) has become payable National Highways reasonably believes that the NH costs will exceed the estimated NH costs, it may give notice to the undertaker of the amount by which it believes the NH costs will exceed the estimated NH costs (the “excess”) and the undertaker must pay to National Highways within 28 days of the date of the notice a sum equal to the excess.

(5) National Highways must give the undertaker a final account of the NH costs referred to in sub-paragraph (1) above within 91 days of the issue of the provisional certificate issued pursuant to paragraph 8(4).

(6) Within 28 days of the issue of the final account (other than where a genuine dispute is raised as to the account):

- (a) if the final account shows a further sum as due to National Highways the undertaker must pay to National Highways the sum shown due to it; or

- (b) if the account shows that the payment or payments previously made by the undertaker have exceeded the costs incurred by National Highways, National Highways must refund the difference to the undertaker.

(7) If any payment due under any of the provisions of this Part of this Schedule is not made on or before the date on which it falls due the party from whom it was due must at the same time as making the payment pay to the other party interest at 3% above the Bank of England base lending rate from time to time being in force for the period starting on the date upon which the payment fell due and ending with the date of payment of the sum on which interest is payable together with that interest.

### **Provisional Certificate**

**8.**—(1) Following any closure or partial closure of any of the strategic road network for the purposes of carrying out the specified works, National Highways will carry out a site inspection to satisfy itself that this part of the strategic road network is, in its opinion, safe for traffic and the undertaker must comply with any requirements of National Highways prior to reopening the strategic road network.

(2) As soon as the undertaker considers that the provisional certificate may be properly issued it must apply to National Highways for the provisional certificate.

(3) Following an application for a provisional certificate, National Highways must as soon as reasonably practicable—

- (a) inspect the specified works; and
- (b) provide the undertaker with a written list of works that are required for the provisional certificate to be issued or confirmation that no further works are required for this purpose.

(4) When—

- (a) a stage 3 road safety audit for the specified works has been carried out and all recommendations raised including remedial works have (subject to any exceptions agreed) been approved by National Highways;
- (b) the specified works incorporating the approved remedial works under sub-paragraph (4)(a) and any further works notified to the undertaker pursuant to sub-paragraph (3)(b) have been completed to the satisfaction of National Highways;
- (c) the as built information has been provided to National Highways; and
- (d) the undertaker has paid the commuted sum to National Highways,

National Highways must issue the provisional certificate.

(5) On the issue of the provisional certificate the bond sum shall be reduced to 20% of the total bond sum save insofar as any claim or claims have been made against the bond before that date in which case National Highways will retain a sufficient sum to ensure it does not have to meet any costs for or arising from the specified works.

(6) The undertaker must submit a stage 4 road safety audit as required by and in line with the timescales stipulated in the road safety audit standard. The undertaker must comply with the findings of the stage 4 road safety audit and must pay all costs of and incidental to such and provide updated as-built information to National Highways.

### **Opening**

**9.** The undertaker must notify National Highways not less than 56 days in advance of the intended date of opening to the public of any parts of the strategic road network comprising the specified works or that were closed or partially closed to facilitate the specified works and the undertaker must notify National Highways of the actual date the strategic road network will be opened to the public within 14 days of that date.

### **Final condition survey**

**10.**—(1) The undertaker must, as soon as reasonably practicable after making its application for a provisional certificate pursuant to paragraph 8(2), arrange for the highways structures and assets that were the subject of the condition survey to be re-surveyed and must submit the re-survey to National Highways for its approval. The re-survey will include a renewed geotechnical assessment required by DMRB CD622 if the specified works include any works beneath the strategic road network.

(2) If the re-surveys carried out pursuant to paragraph 10(1) indicate that any damage has been caused to a structure or asset, the undertaker must submit a scheme for remedial works in writing to National Highways for its approval in writing and the undertaker must carry out the remedial works at its own cost and in accordance with the scheme submitted.

(3) If the undertaker fails to carry out the remedial work in accordance with the approved scheme, National Highways may carry out the steps required of the undertaker and may recover any expenditure it reasonably incurs in so doing.

(4) National Highways may, where agreed with the undertaker, at the same time as giving its approval to the re-surveys pursuant to paragraph 10(1) give notice in writing that National Highways will remedy any damage identified in the re-surveys and National Highways may recover any expenditure it reasonably incurs in so doing.

(5) The undertaker must make available to National Highways upon request copies of any survey or inspection reports produced pursuant to any inspection or survey of any specified work following its completion that the undertaker may from time to time carry out.

### **Defects Period**

**11.**—(1) The undertaker must at its own expense remedy any defects in the strategic road network resulting from the specified works as are reasonably required by National Highways to be remedied during the defects period. All identified defects must be remedied in accordance with the following timescales—

- (a) in respect of matters of urgency, within 24 hours of receiving notification for the same (urgency to be determined at the absolute discretion of National Highways);
- (b) in respect of matters which National Highways considers to be serious defects or faults, within 14 days of receiving notification of the same; and
- (c) in respect of all other defects notified to the undertaker, within 4 weeks of receiving notification of the same.

(2) Following the expiry of the defects period National Highways has responsibility for routine maintenance of the strategic road network within the Order limits save for any soft landscaping works which must be established and which must thereafter be maintained for a period of 3 years by and at the expense of the undertaker.

### **Final Certificate**

**12.**—(1) The undertaker must apply to National Highways for the final certificate no sooner than 12 months from the date of the provisional certificate.

(2) Following receipt of the application for the final certificate, National Highways must as soon as reasonably practicable:

- (a) inspect the part of the strategic road network comprising the specified works; and
- (b) provide the undertaker with a written list of any further works required to remedy or make good any defect or damage in this part of the strategic road network or confirmation that no such works are required for this purpose.

(3) The undertaker must carry out such works notified to it pursuant to sub-paragraph 12(2).

(4) When National Highways is satisfied that—

- (a) any defects or damage arising from defects during the defects period and any defects notified to the undertaker pursuant to sub-paragraph 12(2) and any remedial works required as a result of the stage 4 road safety audit have been made good to the satisfaction of National Highways; and
- (b) the NH costs have been paid to National Highways in full;

National Highways must issue the final certificate after which the bond shall be released in full.

(5) The undertaker must pay to National Highways within 28 days of demand the costs reasonably incurred by National Highways in identifying the defects and supervising and inspecting the undertaker's work to remedy the defects that it is required to remedy pursuant to these provisions.

### **Security**

**13.—**(1) The specified works must not commence until—

- (a) the undertaker procures that the specified works are secured by a bond from a bondsman first approved by National Highways in the agreed form between the undertaker and National Highways to indemnify National Highways against all losses, damages, costs or expenses arising from any breach of any one or more of the obligations of the undertaker in respect of the exercise of the powers under this Order and the specified works under the provisions of this Part of this Schedule provided that the maximum liability of the bond must not exceed the bond sum; and
- (b) the undertaker has provided the cash surety which may be utilised by National Highways in the event of the undertaker failing to meet its obligations to make payments under paragraph 7 or to carry out works the need for which arises from a breach of one or more of the obligations of the undertaker under the provisions of this Part of this Schedule.

### **Commuted sums**

**14.—**(1) National Highways must provide to the undertaker an estimate of the commuted sum, calculated in accordance with FS Guidance S278 Commuted Lump Sum Calculation Method dated 18 January 2010 or any successor guidance, prior to the commencement of the specified works.

(2) The undertaker must pay to National Highways the commuted sum prior to the issue of the provisional certificate.

### **Insurance**

**15.** Prior to the commencement of the specified works the undertaker must effect public liability insurance with an insurer in the minimum sum of £10,000,000.00 (ten million pounds) in respect of any one claim against any legal liability for damage loss or injury to any property or any person as a direct result of the execution of specified works or use of the strategic road network by the undertaker.

### **Indemnity**

**16.—**(1) The undertaker fully indemnifies National Highways from and against all costs, claims, expenses, damages, losses and liabilities suffered by National Highways arising from the construction, maintenance or use of the specified works or exercise of or failure to exercise any power under this Order within 14 days of demand save for any loss arising out of or in consequence of any negligent act or default of National Highways.

### **Maintenance of the specified works**

17.—(1) The undertaker must, prior to the commencement of any works of maintenance to the specified works, give National Highways 28 days' notice in writing of the date on which those works will start unless otherwise agreed by National Highways, acting reasonably.

(2) If, for the purposes of maintaining the specified works, the undertaker needs to occupy any road space, the undertaker must comply with National Highways' road space booking requirements and no maintenance of the specified works for which a road space booking is required shall commence without a road space booking having first been secured.

(3) The undertaker must comply with any requirements that National Highways may notify to the undertaker, such requirements to be notified to the undertaker not less than 7 days' in advance of the planned commencement date of the maintenance works.

(4) The provisions of paragraph 9 shall apply to the opening of any part of the strategic road network following occupation of any road space under this paragraph.

### **Land**

18.—(1) Following the issue of the final certificate pursuant to paragraph 12(4) National Highways may serve notice on the undertaker that it wishes to take a freehold transfer of land within the extent of strategic road network boundary which is not in the ownership of National Highways but has been acquired by the undertaker for the purposes of carrying out the specified works.

(2) If the undertaker receives notice under sub-paragraph (1) then the undertaker must effect a freehold transfer of the land which is the subject of the notice and complete such transfer as soon as reasonably practicable at no cost to National Highways.

(3) The undertaker must not under the powers of this Order—

- (a) acquire or use land forming part of;
- (b) acquire new or existing rights over; or
- (c) seek to impose or extinguish any restrictive covenants over;

any of the strategic road network, or extinguish any existing rights of National Highways in respect of any third party property, except with the consent of National Highways by written request to [legalserviceteam@nationalhighways.co.uk](mailto:legalserviceteam@nationalhighways.co.uk)

(4) Where any land or interest is proposed to be acquired for the benefit of National Highways, the undertaker must, unless otherwise agreed by National Highways, exercise article 27 (compulsory acquisition of land) and article 28 (compulsory acquisition of rights and imposition of restrictive covenants) as applied by article 34 (application of the 1981 Act and modification of the 2017 Regulations) of this Order to directly vest in National Highways any such land or interest.

### **Expert Determination**

19.—(1) Article 53 (arbitration) of the Order does not apply to this Part of this Schedule.

(2) Any difference under this Part of this Schedule may be referred to and settled by a single independent and suitable person who holds appropriate professional qualifications and is a member of a professional body relevant to the matter in dispute acting as an expert, such person to be agreed by the differing parties or, in the absence of agreement, identified by the President of the Institution of Civil Engineers.

(3) On notification by either party of a dispute, the parties must jointly instruct an expert within 14 days of notification of the dispute.

(4) All parties involved in settling any difference must use best endeavours to do so within 21 days from the date that an expert is appointed.

(5) The expert must—

- (a) invite the parties to make submission to the expert in writing and copied to the other party to be received by the expert within 7 days of the expert's appointment;
- (b) permit a party to comment on the submissions made by the other party within 7 days of receipt of the submission;
- (c) issue a decision within 7 days of receipt of the submissions under sub-paragraph (b); and
- (d) give reasons for the decision.

(6) Any determination by the expert is final and binding, except in the case of manifest error in which case the difference that has been subject to expert determination may be referred to and settled by arbitration under article 53 (arbitration).

(7) The fees of the expert are payable by the parties in such proportions as the expert may determine or, in the absence of such determination, equally.

SCHEDULE 10

Article 40

Special Category Land

PART 1

SPECIAL CATEGORY LAND TO BE PERMANENTLY ACQUIRED AND FOR WHICH REPLACEMENT LAND IS PROVIDED

<i>Plot reference number shown on Special Category Land Plans and in the book of reference</i>	
<i>(1)</i> <i>Special Category Land Plan</i>	<i>(2)</i> <i>Plot number</i>
Special Category Land Plans – APFP Regulation 5(2)(i)	1/008, 1/020, 1/038, 1/039, 1/047, 1/053, 1/059, 1/070, 1/071, 1/094, 1/095, 1/096, 1/105, 1/139, 1/150, 1/165, 1/166, 1/211, 1/226A, 1/243

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PART 2

REPLACEMENT LAND

<i>Plot reference number shown on Special Category Land Plans and in the book of reference</i>	
<i>(1)</i> <i>Special Category Land Plan</i>	<i>(2)</i> <i>Plot number</i>
Special Category Land Plans – APFP Regulation 5(2)(i)	1/013, 1/200, 1/220, 1/289, 1/290A, 1/292

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PART 3

SPECIAL CATEGORY LAND TO BE TEMPORARILY USED AND OVER WHICH RIGHTS WILL BE PERMANENTLY ACQUIRED BUT FOR WHICH NO REPLACEMENT LAND IS REQUIRED

<i>Plot reference number shown on Special Category Land Plans and in the book of reference</i>	
<i>(1)</i> <i>Special Category Land Plan</i>	<i>(2)</i> <i>Plot number</i>
Special Category Land Plans – APFP Regulation 5(2)(i)	1/007, 1/036, 1/050, 1/052, 1/093, 1/164, 1/212, 1/226, 1/242A

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## Procedures for Approvals, Consents and Appeals

## PART 1

## GENERAL PROCEDURE

**Applications made under requirement**

1.—(1) Where an application has been made to a discharging authority for any agreement, endorsement or approval required by a requirement included in this Order (except where the discharging authority is the independent air noise reviewer, in which case Part 2 of this Schedule has effect in place of this Part), the discharging authority must give notice to the undertaker of its decision on the application before the end of the decision period.

(2) For the purposes of sub-paragraph (1), the decision period is—

- (a) in the case of requirements in respect of which the discharging authority has a duty under Schedule 2 of this Order to consult with any other body—
  - (i) where no further information is requested under paragraph 2, 8 weeks from the day immediately following that on which the application is received by the discharging authority;
  - (ii) where further information is requested under paragraph 2, 8 weeks from the day immediately following that on which further information has been supplied by the undertaker under paragraph 2; or
  - (iii) such longer period as may be agreed by the undertaker and the discharging authority in writing before the end of the period in sub-paragraph (i) or (ii); and
- (b) in the case of requirements in respect of which the discharging authority has no duty under Schedule 2 of this Order to consult with any other body—
  - (i) where no further information is requested under paragraph 2, 6 weeks from the day immediately following that on which the application is received by the discharging authority;
  - (ii) where further information is requested under paragraph 2, 6 weeks from the day immediately following that on which further information has been supplied by the undertaker under paragraph 2; or
  - (iii) such longer period as may be agreed by the undertaker and the discharging authority in writing before the end of the period in sub-paragraph (i) or (ii).

(3) In the case of requirements in respect of which the discharging authority has a duty under Schedule 2 of this Order to consult with any other body, the discharging authority must have regard to comments received from any of those bodies.

**Further information**

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

(2) If the discharging authority considers such further information to be necessary and the requirement does not specify that consultation with a requirement consultee is required, the discharging authority must, within 10 working days of receipt of the application, notify the undertaker in writing specifying the further information required.



(3) If the requirement specifies that consultation with a requirement consultee is required, the undertaker must issue the consultation to the requirement consultee within 3 working days of submitting the application, and must notify the discharging authority in writing.

(4) If the discharging authority does not give notification as specified in sub-paragraph (2) or (3), or otherwise fails to request any further information within the timescales provided for in this paragraph it will be deemed to have sufficient information to consider the application and will not thereafter be entitled to request further information without the prior agreement of the undertaker.

### **Fees**

3. Where an application is made to the discharging authority for agreement, endorsement or approval in respect of a requirement, a fee shall be paid to that discharging authority as follows—

[To be inserted]

### **Appeals**

4.—(1) The undertaker may appeal in the event that—

- (a) the discharging authority refuses an application for any agreement, endorsement or approval required by a requirement included in this Order or grants it subject to conditions;
- (b) the discharging authority does not give notice of its decision to the undertaker within the decision period as determined under paragraph 1;
- (c) on receipt of a request for further information pursuant to paragraph 2 the undertaker considers that either the whole or part of the specified information requested by the discharging authority is not necessary for consideration of the application; or
- (d) on receipt of any further information requested, the discharging authority notifies the undertaker that the information provided is inadequate and requests additional information which the undertaker considers is not necessary for consideration of the application.

(2) The process for appeals is as follows—

- (a) any appeal by the undertaker must be made within 6 weeks of the date of the notice of the decision or determination, or (where no determination has been made) expiry of the decision period as determined under paragraph 1;
- (b) the undertaker shall submit to the Secretary of State a copy of the application submitted to the discharging authority and any supporting documentation which the undertaker may wish to provide (“the appeal documentation”);
- (c) the undertaker must on the same day provide copies of the appeal documentation to the discharging authority and the requirement consultee (if applicable);
- (d) as soon as is practicable after receiving the appeal documentation, the Secretary of State must appoint a person to determine the appeal (“the appointed person”) and must notify the appeal parties of the identity of the appointed person and the address to which all correspondence for that person’s attention should be sent;
- (e) the discharging authority and the requirement consultee (if applicable) must submit any written representations in respect of the appeal to the appointed person in respect of the appeal within 20 working days of the date on which the appeal parties are notified of the appointment of a person under sub-paragraph (d) and must ensure that copies of their written representations are sent to each other and to the undertaker on the day on which they are submitted to the appointed person;
- (f) the appeal parties may make any counter-submissions to the appointed person within 20 working days beginning with the first working day immediately following the date of receipt of written representations pursuant to sub-paragraph (e); and

- (g) the appointed person must make a decision and notify it to the appeal parties, with reasons, as soon as reasonably practicable.
- (3) If the appointed person considers that further information is necessary to enable the appointed person to consider the appeal, the appointed person must as soon as practicable notify the appeal parties in writing specifying the further information required, the appeal party from whom the information is sought, and the date by which the information is to be submitted.
- (4) Any further information required pursuant to sub-paragraph (3) must be provided by the party from whom the information is sought to the appointed person and to other appeal parties by the date specified by the appointed person.
- (5) Any written representations concerning matters contained in the further information must be submitted to the appointed person, and made available to all appeal parties within 10 working days of the date mentioned in sub-paragraph (3).
- (6) On an appeal under this paragraph 4, the appointed person may—
- (a) allow or dismiss the appeal; or
  - (b) reverse or vary any part of the decision of the discharging authority (whether the appeal relates to that part of it or not),
- and may deal with the application as if it had been made to the appointed person in the first instance.
- (7) The appointed person may proceed to a decision on an appeal taking into account only such written representations as have been sent within the time limits prescribed, or set by the appointed person, under this paragraph.
- (8) The appointed person may proceed to a decision even though no written representations have been made within those time limits, if it appears to the appointed person that there is sufficient material to enable a decision to be made on the merits of the case.
- (9) The decision of the appointed person on an appeal is final and binding on the parties, and a court may entertain proceedings for questioning the decision only if the proceedings are brought by a claim for judicial review.
- (10) If an approval is given by the appointed person pursuant to this Schedule, it is deemed to be an approval for the purpose of Schedule 2 as if it had been given by the discharging authority.
- (11) The discharging authority may confirm any determination given by the appointed person in identical form in writing but a failure to give such confirmation (or a failure to give it in identical form) will not affect or invalidate the effect of the appointed person's determination.
- (12) Save where a direction is given pursuant to sub-paragraph (13) requiring the costs of the appointed person to be paid by the discharging authority, the reasonable costs of the appointed person must be met by the undertaker.
- (13) On application by the discharging authority or the undertaker, the appointed person may give directions as to the costs of the appeal parties and as to the parties by whom the costs of the appeal are to be paid. In considering whether to make any such direction and the terms on which it must be made, the appointed person must have regard to the Planning Practice Guidance: appeals (March 2014) or any circular or guidance which may from time to time replace it.

## **Definitions**

### **5. In this Schedule—**

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

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

## PART 2

### PROCEDURE FOR NOISE PLANS

Part 2 of this Schedule sets out the process for the submission and approval of annual monitoring and forecasting reports, noise action plans and noise envelope review documents (together known as “noise plans”) and extraordinary noise envelope review documents.

#### Applications

1.—(1) Where an application has been made to the independent air noise reviewer for any verification of an annual monitoring and forecasting report or a noise action plan or the approval of a noise envelope review document:

- (a) the noise plan must meet the relevant information requirements detailed within paragraph 1 of Schedule 2 (requirements); and
- (b) the independent air noise reviewer must give notice to the undertaker of its decision on the application before the end of the decision period.

(2) For the purposes of this paragraph of this Part of this Schedule the decision period is —

- (a) where no further information is requested by the independent air noise reviewer under paragraph 2, 6 weeks from the day immediately following that on which the independent air noise reviewer receives the report;
- (b) where further information is requested by the independent air noise reviewer under paragraph 2, 6 weeks from the day immediately following that on which further information has been supplied by the undertaker under paragraph 2; or
- (c) such longer period as may be agreed in writing between the undertaker and the independent air noise reviewer before the end of the period in sub-paragraph (a) or (b) above.

(3) In the event the independent air noise reviewer does not determine an application within the decision period the independent air noise reviewer is taken to have approved the relevant noise plan at the end of that period unless otherwise agreed in writing.

#### Further information

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

(2) If the independent air noise reviewer considers further information is necessary for the relevant noise plan to comply with the information requirements relevant to it, it must as soon as is reasonably practicable and within 10 working days of receipt of the relevant noise plan, notify the undertaker in writing specifying the further information required.

(3) If the independent air noise reviewer does not give such notification as specified in sub-paragraph (2) or otherwise fails to request any further information within the timescales provided for in this paragraph, it will be deemed to have sufficient information to consider the application and will not thereafter be entitled to request further information without the prior agreement of the undertaker.

#### Appeals

3.—(1) The undertaker may appeal to the Secretary of State in the event that—

- (a) the independent air noise reviewer refuses an application for the verification and/or approval of a noise plan;
- (b) the independent air noise reviewer does not give notice of its decision to the undertaker within the decision period as determined under paragraph 1;

- (c) on receipt of a request for further information the undertaker considers that either the whole or part of the specified information requested by the independent air noise reviewer is not necessary for consideration of the application; or
  - (d) on receipt of any further information requested, the independent air noise reviewer notifies the undertaker that the information provided is inadequate and requests additional information which the undertaker considers is not necessary for consideration of the application.
- (2) The process for appeals is as follows—
- (a) any appeal by the undertaker must be made within 6 weeks of the date of the notice of the decision or determination, or (where no determination has been made) expiry of the decision period as determined under paragraph 1;
  - (b) the undertaker must submit to the Secretary of State a copy of the application submitted to the independent air noise reviewer and any supporting documentation which the undertaker may wish to provide (“the appeal documentation”);
  - (c) the undertaker must on the same day provide copies of the appeal documentation to the independent air noise reviewer;
  - (d) as soon as is practicable after receiving the appeal documentation, the Secretary of State must appoint a person to determine the appeal (“the appointed person”) and must notify the appeal parties of the identity of the appointed person and the address to which all correspondence for that person’s attention should be sent;
  - (e) the independent air noise reviewer must submit any written representations to the appointed person in respect of the appeal within 20 working days of the date on which the appeal parties are notified of the appointment of a person under sub-paragraph (2)(d) and must ensure that copies of their written representations are sent to the undertaker on the day on which they are submitted to the appointed person;
  - (f) the undertaker may make any counter-submissions to the appointed person within 20 working days beginning with the first day immediately following the date of receipt of written representations pursuant to sub-paragraph (2)(e); and
  - (g) the appointed person must make a decision and notify it to the appeal parties, with reasons, as soon as reasonably practicable.
- (3) The appointment of the person pursuant to sub-paragraph (2)(d) may be undertaken by a person appointed by the Secretary of State for this purpose instead of by the Secretary of State.
- (4) If the appointed person considers that further information is necessary to enable the appointed person to consider the appeal, the appointed person must as soon as practicable notify the appeal parties in writing specifying the further information required, the appeal party from whom the information is sought, and the date by which the information is to be submitted.
- (5) Any further information required pursuant to sub-paragraph (4) must be provided by the party from whom the information is sought to the appointed person and to other appeal parties by the date specified by the appointed person.
- (6) Any written representations concerning matters contained in the further information must be submitted to the appointed person and made available to all appeal parties within 10 working days of the date mentioned in sub-paragraph (4).

### **Outcome of appeals**

- 4.—(1) On an appeal the appointed person may—
- (a) allow or dismiss the appeal; or
  - (b) reverse or vary the decision of the independent air noise reviewer,
- and may deal with the application as if it had been made to the appointed person in the first instance.

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

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

(4) The decision of the appointed person on an appeal is final and binding on the parties, and a court may entertain proceedings for questioning the decision only if the proceedings are brought by a claim for judicial review within 6 weeks of the date of the appointed person's decision beginning with the date of that decision.

(5) If an approval is given by the appointed person it is deemed to be an approval for the purpose of the Order as if it had been given by the independent air noise reviewer.

(6) The independent air noise reviewer may confirm any determination given by the appointed person in identical form in writing but a failure to give such confirmation (or a failure to give it in identical form) must not be taken to affect or invalidate the effect of the appointed person's determination.

(7) Save where a direction is given pursuant to sub-paragraph (8) requiring the costs of the appointed person to be paid by the independent air noise reviewer, the reasonable costs of the appointed person must be met by the undertaker.

(8) On application by the independent air noise reviewer or the undertaker, the appointed person may give directions as to the costs of the appeal parties and as to the parties by whom the costs of the appeal are to be paid. In considering whether to make any such direction and the terms on which it must be made, the appointed person must have regard to the Planning Practice Guidance: appeals (March 2014) or any circular or guidance which may from time to time replace it.

#### **Approval of extraordinary noise envelope review documents**

5.—(1) Where an application has been made to the Secretary of State for the approval of an extraordinary noise envelope review document;

- (a) the extraordinary noise envelope review document must meet the relevant information requirements detailed within paragraph 1 of Schedule 2 (requirements); and
- (b) the Secretary of State must give notice to the undertaker of its decision on the application before the end of the decision period.

(2) For the purposes of this paragraph 5 the decision period is—

- (a) where no further information is requested by the Secretary of State, 6 weeks from the day immediately following that on which the decision-making body receive the report;
- (b) where further information is requested by the Secretary of State, 6 weeks from the day immediately following that on which further information has been supplied; or
- (c) such longer period as may be agreed in writing between the undertaker and the Secretary of State before the end of the period in sub-paragraph (a) or (b) above.

(3) If the Secretary of State considers further information is necessary for the extraordinary noise envelope review document to comply with the information requirements relevant to it or for the purpose of reaching a decision in relation it, he must as soon as is reasonably practicable and within 10 working days of receipt of the relevant noise plan, notify the undertaker in writing specifying the further information required.

(4) If the Secretary of State does not give such notification as specified in sub-paragraph (3) or otherwise fails to request any further information within the timescales provided for he is deemed to have sufficient information to consider the application and is not thereafter entitled to request further information without agreement of the undertaker.

(5) The decision of the Secretary of State in relation to an extraordinary noise envelope review document is final and binding, and a court may entertain proceedings for questioning the decision

only if the proceedings are brought by a claim for judicial review within 6 weeks of the date of the Secretary of State's decision beginning with the date of that decision.

## SCHEDULE 12

Article 51

### Documents to be Certified

<i>(1) Document</i>	<i>(2) Document Reference</i>
Code of Construction Practice (CoCP)	ES Appendix 5.3.2: Code of Construction Practice (Doc Ref. 5.3)
Water Management Plan (WMP)	ES Appendix 5.3.2: CoCP Annex 1 – Water Management Plan (Doc Ref. 5.3)
Outline Construction Workforce Travel Plan (oCWTP)	ES Appendix 5.3.2: CoCP Annex 2 – Outline Construction Workforce Travel Plan (Doc Ref. 5.3)
Outline Construction Traffic Management Plan (oCTMP)	ES Appendix 5.3.2: CoCP Annex 3 – Outline Construction Traffic Management Plan (Doc Ref. 5.3)
Soil Management Strategy (SMS)	ES Appendix 5.3.2: CoCP Annex 4 – Soil Management Strategy (Doc Ref. 5.3)
Construction Resources and Waste Management Plan (CRWMP)	ES Appendix 5.3.2: CoCP Annex 5 – Construction Resources and Waste Management Plan (Doc Ref. 5.3)
Design Principles	Appendix A1 of the Design and Access Statement (Doc Ref. 7.3)
Outline Landscape and Ecology Management Plan (including the Ecology Strategy) (oLEMP)	ES Appendix 8.8.1: Outline Landscape and Ecology Management Plan (Doc Ref. 5.3)
Noise Envelope	ES Appendix 14.9.7: The Noise Envelope (Doc Ref. 5.3)
Carbon Action Plan (CAP)	ES Appendix 5.4.2: Carbon Action Plan (Doc Ref. 5.3)
Surface Access Commitments (SAC)	ES Appendix 5.4.1: Surface Access Commitments (Doc Ref. 5.3)
Public Rights of Way Management Strategy (PRoW)	ES Appendix 19.8.2: Public Rights of Way Management Strategy (Doc Ref. 5.3)
Written Scheme of Investigation for Surrey (WSI for Surrey)	ES Appendix 7.8.1: Written Scheme of Investigation for post-consent Archaeological Investigations – Surrey (Doc Ref. 5.3)
Written Scheme of Investigation for West Sussex (WSI for West Sussex)	ES Appendix 7.8.2: Written Scheme of Investigation for post-consent Archaeological Investigations and Historic Building Recording – West Sussex (Doc Ref. 5.3)
Employment, Skills and Business Strategy (ESBS)	ES Appendix 17.8.1: Employment, Skills and Business Strategy (Doc Ref. 5.3)
Surface Access Drainage Strategy	ES Appendix 11.9.6: Flood Risk Assessment – Annex 2 (Doc Ref. 5.3)
Noise Insulation Scheme (NIS)	ES Appendix 14.9.10: Noise Insulation Scheme (Doc Ref. 5.3)
Flood Resilience Statement	ES Appendix 11.9.6: Flood Risk Assessment – Annex 6 (Doc Ref. 5.3)
Land Plans - For Approval	Doc Ref. 4.2
Crown Land Plans - For Approval	Doc Ref. 4.3
Special Category Land Plans - For Approval	Doc Ref. 4.4
Works Plans - For Approval	Doc Ref. 4.5
Rights of Way and Access Plans - For Approval	Doc Ref. 4.6
Parameter Plans - For Approval	Doc Ref. 4.7
Surface Access Highways Plans –	Doc Ref. 4.8.1

General Arrangements - For Approval	
Surface Access Highways Plans – Engineering Section Drawings - For Approval	Doc Ref. 4.8.2
Surface Access Highways Plans – Structure Section Drawings - For Approval	Doc Ref. 4.8.3
Traffic Regulation Plans – Speed Limits - For Approval	Doc Ref. 4.9.1
Traffic Regulation Plans – Classification of Roads - For Approval	Doc Ref. 4.9.2
Traffic Regulation Plans – Clearways and Prohibitions - For Approval	Doc Ref. 4.9.3



## **EXPLANATORY NOTE**

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

This Order authorises Gatwick Airport Limited to undertake works to redevelop Gatwick Airport and carry out all associated works.

The Order permits Gatwick Airport Limited to acquire, compulsorily or by agreement, land and rights in land and to use land for this purpose.

The Order also includes provisions in connection with the maintenance and operation of the authorised development.

A copy of the documents referred to in Schedule 12 to this Order and certified in accordance with article 51 (certification of documents, etc.) of this Order may be inspected free of charge during normal working hours at [address].