Rosefield Solar Farm

Draft Development Consent Order

(Clean)

EN010158/APP/3.1.4
Revision 4
April 2026
Rosefield Energyfarm Limited

APFP Regulation 5(2)(b)
Planning Act 2008
Infrastructure Planning
(Applications: Prescribed Forms
and Procedure) Regulations 2009

202* No. ****

INFRASTRUCTURE PLANNING

The Rosefield Solar Farm Order 202*

Made - - - - ***

Coming into force - - ***

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

The application has been 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 Infrastructure Planning (Examination Procedure) Rules 2010(c).

The Examining Authority, having considered the application together with the documents that accompanied it, and the representations made and not withdrawn, has, in accordance with section 74(2)(d) of the 2008 Act made a report and recommendation to the Secretary of State.

The Secretary of State has considered the report and recommendation of the Examining Authority, has taken into account the environmental information in accordance with regulation 4 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017(e) and has had regard to the documents and matters referred to in section 104(2)(f) of the 2008 Act.

The Secretary of State, having decided the application, has determined to make an Order granting development consent for the development described in the application on terms that in the opinion of the Secretary of State are not materially different from those proposed in the application.

(**a**) 2008 c. 29. Section 37 was amended by section 137(5) of, and paragraph 5 of Schedule 13 to the Localism Act 2011 (c. 20).
(**b**) S.I. 2009/2264.
(**c**) S.I. 2010/103.
(**d**) As amended by paragraph 29(1) and (3) of Part 1 of Schedule 13 to the Localism Act 2011 (c. 20).
(**e**) S.I. 2017/572.
(**f**) Section 104 was amended by section 58(5) of the Marine and Coastal Access Act 2009 (c. 23) and by paragraph 49 of Part 1 of Schedule 13 to the Localism Act 2011 (c. 20).

The Secretary of State, in exercise of the powers conferred by sections 114(a), 115(b), 117(c), 120(d), 122(e), 123(f) and 140 of the 2008 Act, makes the following Order—

PART 1

PRELIMINARY

Citation and commencement

1. This Order may be cited as the Rosefield Solar Farm Order 202[ ] and comes into force on [X] 202*.

Interpretation

2.—(1) In this Order—

"the 1961 Act" means the Land Compensation Act 1961(g);

"the 1965 Act" means the Compulsory Purchase Act 1965(h);

"the 1980 Act" means the Highways Act 1980(i);

"the 1981 Act" means the Compulsory Purchase (Vesting Declarations) Act 1981(j);

"the 1984 Act" means the Road Traffic Regulation Act 1984(k);

"the 1989 Act" means the Electricity Act 1989(l);

"the 1990 Act" means the Town and Country Planning Act 1990(m);

"the 1991 Act" means the New Roads and Street Works Act 1991(n);

"the 2008 Act" means the Planning Act 2008(o);

"address" includes any number or address used for the purposes of electronic transmission;

"apparatus" has the same meaning as in Part 3 (street works in England and Wales) of the 1991 Act except that, unless otherwise provided, it further includes pipelines (and parts of them), aerial markers, cathodic protection test posts, field boundary markers, transformer rectifier kiosks, electricity cables, telecommunications equipment and electricity cabinets;

"authorised development" means the development and associated development described in Schedule 1 (authorised development), which is development within the meaning of section 32 (meaning of "development") of the 2008 Act;

"book of reference" means the document of that name identified in the table at Schedule 13 (documents and plans to be certified) and which is certified by the Secretary of State as the book of reference for the purposes of this Order;

"bridleway" has the same meaning as in the 1980 Act;

"building" includes any structure or erection or any part of a building, structure or erection;

"carriageway" has the same meaning as in the 1980 Act;

"commence" means beginning to carry out a material operation, as defined in section 155 (when development begins) of the 2008 Act, comprised in or carried out or for the purposes of the authorised development other than the permitted preliminary works (except where stated to the contrary) and "commencement" and "commenced" are to be construed accordingly;

(**a**) As amended by paragraph 55 of Part 1 of Schedule 13 to the Localism Act 2011 (c. 20).
(**b**) As amended by section 160 of the Housing and Planning Act 2016 (c. 22) and section 43 of the Wales Act 2017 (c. 4).
(**c**) As amended by paragraph 58 of Part 1 of Schedule 13 and paragraph 1 of Part 20 of Schedule 25 to the Localism Act 2011 (c. 20).
(**d**) As amended by section 140 and paragraph 60 of Part 1 of Schedule 13 to the Localism Act 2011 (c. 20).
(**e**) As amended by paragraph 62 of Part 1 of Schedule 13 to the Localism Act 2011 (c. 20).
(**f**) Ibid.
(**g**) 1961 c. 33.
(**h**) 1965 c. 56.
(**i**) 1980 c. 66.
(**j**) 1981 c. 66.
(**k**) 1984 c. 27.
(**l**) 1989 c. 29.
(**m**) 1990 c. 8.
(**n**) 1991 c. 22.
(**o**) 2008 c. 29.

"date of decommissioning" means in respect of each part of the authorised development, the date that that part of the authorised development has permanently ceased to generate electricity on a commercial basis;

"date of final commissioning" means the date on which the authorised development commences operation by generating electricity on a commercial basis but excluding the generation of electricity during commissioning and testing;

"design commitments" means the document of that name identified in the table at Schedule 13 and which is certified by the Secretary of State as the design commitments for the purposes of this Order;

"draft archaeological management strategy" means the document of that name identified in the table at Schedule 13 and which is certified by the Secretary of State as the draft archaeological management strategy for the purposes of this Order;

"electronic transmission" means a communication transmitted—

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

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

"environmental statement" means the document of that name identified in the table in Schedule 13 and which is certified by the Secretary of State as the environmental statement for the purposes of this Order;

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

"existing or approved developments" means the following developments which are within the Order limits—

(a) East Claydon BESS (reference 23/03875/APP) approved 11 September 2025; and

(b) East Claydon Greener Grid Park (reference 25/01297/APP) pending decision;

"grid connection works" means that part of the authorised development identified in work numbers 6, 8, 9 and 10 (to the extent work numbers 8, 9 and 10 are necessary in connection with work number 6);

"highway" and "highway authority" have the same meaning as in the 1980 Act(a);

"land plans" means sheets 1 - 8 of the plans of that name identified in the table in Schedule 13 and which are certified by the Secretary of State as the land plans for the purposes of this Order;

"maintain" includes inspect, repair, adjust, alter, remove, refurbish, reconstruct, replace and improve any part of, but not remove, reconstruct or replace the whole of, the authorised development and "maintenance" and "maintaining" are to be construed accordingly;

"NGET" means National Grid Electricity Transmission Plc (company number 2366977) whose registered office is at 1 to 3 Strand, London WC2N 5EH or any successor as a licence holder within the meaning of Part 1 of the 1989 Act;

"Order land" means the land shown coloured pink, blue or green on the land plans which is within the limits of land to be acquired or used 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 and land acquired or used;

"outline battery safety management plan" means the plan of that name identified in the table at Schedule 13 and which is certified by the Secretary of State as the outline battery safety management plan for the purposes of this Order;

"outline construction environmental management plan" means the document of that name identified in the table at Schedule 13 and which is certified by the Secretary of State as the outline construction environmental management plan for the purposes of this Order;

"outline construction traffic management plan" means the document of that name identified in the table at Schedule 13 and which is certified by the Secretary of State as the outline construction traffic management plan for the purposes of this Order;

"outline decommissioning environmental management plan" means the document of that name identified in the table at Schedule 13 and which is certified by the Secretary of State as the outline decommissioning environmental management plan for the purposes of this Order;

"outline drainage strategy" means the document of that name identified in the table at Schedule 13 and which is certified by the Secretary of State as the outline drainage strategy for the purposes of this Order;

(**a**) "highway" is defined in section 328(1). For "highway authority" see section 1.

"outline employment, skills and supply chain plan" means the document of that name identified in the table at Schedule 13 and which is certified by the Secretary of State as the outline employment, skills and supply chain plan for the purposes of this Order;

"outline landscape and ecological management plan" means the document of that name identified in the table at Schedule 13 and which is certified by the Secretary of State as the outline landscape and ecological management plan for the purposes of this Order;

"outline operational environmental management plan" means the document of that name identified in the table at Schedule 13 and which is certified by the Secretary of State as the outline operational environmental management plan for the purposes of this Order;

"outline rights of way and access strategy" means the document of that name identified in the table at Schedule 13 and which is certified by the Secretary of State as the outline rights of way and access strategy for the purposes of this Order;

"outline soil management plan" means the document of that name identified in the table at Schedule 13 and which is certified by the Secretary of State as the outline soil management plan for the purposes of this Order;

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

"permitted preliminary works" means all or any of—

(a) environmental surveys, geotechnical surveys, intrusive archaeological surveys and other investigations for the purpose of assessing ground conditions;

(b) removal of plant and machinery;

(c) above ground site preparation for temporary facilities for the use of contractors;

(d) remedial work in respect of any contamination or other adverse ground conditions;

(e) diversion of existing services and the laying of temporary services;

(f) the provision of temporary means of enclosure and site security for construction;

(g) the temporary display of site notices or advertisements;

(h) site clearance (including vegetation removal, demolition of existing structures or buildings);

(i) Work No. 9 (works to facilitate access to Work Nos. 1 to 8 and 10);

(j) diversion of existing public rights of way;

(k) early establishment of ecological mitigation including for badgers; or

(l) advanced planting;

"plot" means any plot as may be identified by reference to a number and which is listed in the book of reference and shown on the land plans;

"relevant planning authority" means the local planning authority for the area in which the land to which the provisions of this Order apply is situated;

"requirements" means those matters set out in Schedule 2 and "requirement" means any one of the requirements;

"statutory undertaker" means any person falling within section 127(8) (statutory undertakers' land) of the 2008 Act and includes a public communications provider defined by section 151(1) (interpretation of chapter 1) of the Communications Act 2003(b);

"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 any footpath and part of a street;

"street authority", in relation to a street, has the same meaning as in Part 3 of the 1991 Act(c);

"street works" means the works listed in article 8(1) (street works);

"streets, rights of way and access plans" means the plans of that name identified in the table at Schedule 13 and which are certified by the Secretary of State as the streets, rights of way and access plans for the purposes of this Order;

(**a**) 1981 c. 67.
(**b**) 2003 c. 21.
(**c**) "street authority" is defined in section 49, which was amended by paragraph 117 of Schedule 1 to the Infrastructure Act (c. 7).

"subsidiary" has the same meaning as in section 1159 of the Companies Act 2006(a);

"the permit scheme" means the Buckinghamshire Council Permit Scheme for Road Works and Street Works Order 2016, which is a scheme made under Part 3 of the Traffic Management Act 2004;

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

"traffic regulations plans" means the plans of that name identified in the table at Schedule 13 and which are certified by the Secretary of State as the traffic regulations plans;

"undertaker" means Rosefield Energyfarm Limited (company number 11618221) and any other person who for the time being has the benefit of this Order in accordance with article 36 (benefit of the Order) or article 37 (consent to transfer the benefit of the Order);

"Upper Tribunal" means the Lands Chamber of the Upper Tribunal;

"vegetation removal parameters" means the plans of that name identified in the table at Schedule 13 and which are certified by the Secretary of State as the vegetation removal parameters for the purposes of this Order;

"watercourse" includes every river, stream, creek, ditch, drain, canal, cut, culvert, dyke, sluice, sewer and passage through which water flows except a public sewer or drain;

"working day" means any day other than a Saturday, Sunday or English bank or public holiday; and

"works plans" means the plans of that name identified in the table at Schedule 13 and which are certified by the Secretary of State as the works plans for the purposes of this Order.

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

(3) All distances, directions, capacities and lengths referred to in this Order are approximate and distances between lines or points on a numbered work comprised in the authorised development and shown on the works plans and streets, rights of way and access plans and traffic regulations plans are to be taken to be measured along that work.

(4) References in this Order to numbered works are references to the works comprising the authorised development as numbered in Schedule 1 and shown on the works plans and a reference in this Order to a work designated by a number, or by a combination of letters and numbers, is a reference to the work so designated in that Schedule and a reference to "Work No. 2" or "numbered work 2" means numbered works 2A and 2B inclusive and the same principle applies to such numbered works that contain letters.

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

(6) In this Order, references to any statutory body include that body's successor bodies.

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

(8) In this Order, references to materially new or materially different environmental effects in comparison with those reported in the environmental statement are not to be construed so as to include the avoidance, removal or reduction of an assessed adverse environmental effect or a positive environmental effect, or the increase of an assessed positive environmental effect or creation of a new positive environmental effect. A matter will be within scope of the environmental statement if it does not give rise to materially new or materially different environmental effects to those reported in the environmental statement.

(**a**) 2006 c. 46.

(**b**) Section 121A was inserted by paragraph 70 of Schedule 8 to the 1991 Act, and subsequently amended by section 271 of the Greater London Authority Act 1999 (c. 29); section 1(6) of, and paragraphs 70 and 95 of Schedule 1 to the Infrastructure Act 2015; and S.I. 1999/1920 and S.I. 2001/1400.

PART 2

PRINCIPAL POWERS

Development consent etc. granted by this Order

3.—(1) Subject to the provisions of this Order and the requirements, the undertaker is granted development consent for the authorised development to be carried out within the Order limits.

(2) Each numbered work must be situated within the corresponding numbered area shown on the works plans.

Operation of generating station

4.—(1) The undertaker is authorised to use and operate the generating station comprised in the authorised development.

(2) This article does not relieve the undertaker of any requirement to obtain any permit or licence under any other legislation that may be required from time to time to authorise the operation of an electricity generating station.

Power to maintain authorised development

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

(2) This article only authorises the carrying out of maintenance works within the Order limits.

(3) This article does not authorise the carrying out of any works which are likely to give rise to any materially new or materially different effects that have not been assessed in the environmental statement.

Disapplication and modification of statutory provisions

6.—(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 purposes of, or in connection with, the construction, operation, maintenance or decommissioning of any part of the authorised development—

(a) section 23 (prohibition of obstructions, etc. in watercourses) of the Land Drainage Act 1991(a);

(b) section 32 (variation of awards)(b) of the Land Drainage Act 1991;

(c) the provisions of any byelaws made under section 66(c) (powers to make byelaws) of the Land Drainage Act 1991;

(d) section 118 (consent request for discharge of trade effluent into public sewer) of the Water Industry Act 1991;

(e) the legislation listed in Schedule 3 (legislation to be disapplied) in so far as the provisions still in force are incompatible with the powers contained within this Order; and

(f) the provisions of the Neighbourhood Planning Act 2017(d) insofar as they relate to the temporary possession of land under articles 31 (temporary use of land for constructing the authorised development) and 32 (temporary use of land for maintaining the authorised development) of this Order.

(2) For the purposes of section 9 (requirement of licence for felling) of the Forestry Act 1967(e) any felling comprised in the carrying out of any work or operation required for the purposes of, or in connection with, the construction of the authorised development is deemed to be immediately required for the purpose of carrying out development authorised by planning permission granted under the 1990 Act.

(3) Regulation 6(1) of the Hedgerows Regulations 1997 has effect as though after sub-paragraph (e) there were added—

(**a**) 1991 c. 59. Section 23 was amended by paragraph 192(2) of Schedule 22 to the Environment Act 1995 (c. 25), paragraphs 25 and 32 of Schedule 2 to the Flood and Water Management Act 2010 (c. 29) and S.I. 2013/755.

(**b**) Section 32 was amended by S.I. 2013/755.

(**c**) Section 66 was amended by paragraphs 25 and 38 of Schedule 2 to the Flood and Water Management Act 2010 and section 86 of the Water Act 2014 (c. 21).

(**d**) 2017 c. 20.

(**e**) Section 9 was amended by section 4 of, and paragraph 141 of, Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c. 11) and S.I. 2013/755. There are other amendments to section 9 that are not relevant to this Order.

"(ea) for carrying out any development or in the exercise of any functions that are authorised by the Rosefield Solar Farm Order 202[ ];"

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

(a) a building into which people do not normally go; or

(b) a building into which people go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery.

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

(a) not itself a development for which development consent is required under the 2008 Act or part of such a development;

(b) not for development authorised by Schedule 1 of this Order; or

(c) required to complete or enable the maintenance, use or operation of any part of the development authorised by this Order,

then the construction, maintenance, use or operation of that development under the terms of the planning permission does not constitute a breach of the terms of this Order so long as the carrying out, use or operation of such development does not prevent the undertaker from complying with this Order.

(6) As from the date on which the permitted preliminary works are carried out or the authorised development is commenced, whichever is the earlier, any conditions of the existing or approved developments within the Order limits that relate to the Order land cease to have effect to the extent that they are inconsistent with the authorised development or with anything done or approved under Schedule 2 (requirements).

(7) To the extent that the existing or approved developments' compliance with any conditions in the relevant permission of that existing or approved development is inconsistent with the authorised development, then from the point at which the inconsistency arises –

(a) that inconsistency is to be disregarded for the purposes of establishing whether any development which is the subject matter of that planning permission is capable of physical implementation; and

(b) no enforcement action under the 1990 Act may be taken against development carried out in accordance with that planning permission by reason of such inconsistency, whether inside or outside the Order limits.

(8) In paragraph(7), "enforcement action" means any enforcing action under Part 7 (enforcement) of the 1990 Act or Part 8 of the 2008 Act, as relevant.

Defence to proceedings in respect of statutory nuisance

7.—(1) Where proceedings are brought under section 82(1) (summary proceedings by a person aggrieved by statutory nuisance) of the Environmental Protection Act 1990(b) in relation to a nuisance falling within sub-paragraph (g) of section 79(1) (noise emitted from premises so as to be prejudicial to health or a nuisance) of that Act no order may 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 authorised development and that the nuisance is attributable to the construction, maintenance or decommissioning of the authorised development in accordance with a notice served under section 60 (control of noise on construction site), or a consent given under section 61 (prior consent for work on construction site) of the Control of Pollution Act 1974, or any document approved under the provisions of Schedule 2 of the Order; or

(b) is a consequence of the construction, maintenance or decommissioning of the authorised development and that it cannot reasonably be avoided; or

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

(**a**) S.I. 2010/948, amended by S.I. 2011/987; there are other amending instruments but none are relevant to this Order.
(**b**) 1990 c. 43.

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

PART 3

STREETS

Street works

8.—(1) The undertaker may, for the purposes of the authorised development, enter on so much of any of the streets specified in Schedule 4 (streets subject to street works) and may—

(a) break up or open the street, or any sewer, drain or tunnel under it;

(b) drill, tunnel or bore under the street;

(c) place and keep apparatus under the street;

(d) maintain apparatus under the street, change its position or remove it;

(e) repair, replace or otherwise alter the surface or structure of the street or any culvert under the street; and

(f) execute any works required for or incidental to any works referred to in sub-paragraphs (a) to (e).

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

(3) Where the undertaker is not the street authority, the provisions of sections 54 (notice of certain works) to 106 (index of defined expressions) of the 1991 Act apply to any street works carried out under paragraph (1).

Application of the permit scheme

9.—(1) The permit scheme applies with the modifications set out in this article to street works carried out under the power conferred by article 8 (street works) of this Order.

(2) For the purposes of this Order—

(a) a permit may not be refused or granted subject to conditions which relate to the imposition of moratoria; and

(b) a permit may not be granted subject to conditions where compliance with those conditions would constitute a breach of this Order or where the undertaker would be unable to comply with those conditions pursuant to the powers conferred by this Order.

(3) References to moratoria in paragraph (2) mean restrictions imposed under section 58 (restrictions on works following substantial road works) or section 58A (restrictions on works following substantial street works) of the 1991 Act.

(4) Without restricting the undertaker's recourse to any alternative appeal mechanism which may be available under the permit scheme or otherwise, the undertaker may appeal any decision to refuse to grant a permit or to grant a permit subject to conditions pursuant to the permit scheme in accordance with the mechanism set out in Schedule 16 (procedure for discharge of requirements) of this Order.

Power to alter layout, etc., of streets

10.—(1) The undertaker may for the purposes of the authorised development alter the layout of or carry out any works in the street in the case of the streets specified in column 2 of the table in Schedule 5 (alteration of streets) permanently in the manner specified in relation to that street in column 3.

(2) Without prejudice to the specific powers conferred by paragraph (1), but subject to paragraphs (3) and (4), the undertaker may, for the purposes of constructing, operating or maintaining the authorised development, alter the layout of any street and, without limitation on the scope of this paragraph, the undertaker may—

(a) alter the level or increase the width of any kerb, footway, cycle track or verge;

(b) make and maintain passing places; and

(c) alter, remove, replace and relocate any street furniture, including bollards, lighting columns, road signs and chevron signs.

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

(4) The powers conferred by paragraph (2) may not be exercised without the consent of the street authority.

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

Construction and maintenance of new and altered streets

11.—(1) Each of the streets constructed, improved or altered by the undertaker under the powers conferred by article 10 (power to alter layout, etc., of streets) and provided or substituted under powers conferred by article 13 (permanent stopping up and diverting of public rights of way) of this Order must—

(a) be completed to the reasonable satisfaction of the highway authority; and

(b) unless otherwise agreed with the highway authority, be maintained by and at the expense of:

(i) the undertaker, for a period of 12 months from the date the construction, improvement or alteration of that street is completed; and

(ii) by the highway authority, from the expiry of that 12 month period.

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

(3) For the purposes of a defence under paragraph (2), a court must in particular have regard to the following matters—

(a) the character of the street including the traffic which was reasonably to be expected to use it;

(b) the standard of maintenance appropriate for a street of that character and used by such traffic;

(c) the state of repair in which a reasonable person would have expected to find the street;

(d) whether the undertaker knew, or could reasonably have been expected to know, that the condition of the part of the street to which the action relates was likely to cause danger to users of the street; and

(e) where the undertaker could not reasonably have been expected to repair that part of the street before the cause of action arose, what warning notices of its condition had been displayed,

but for the purposes of such a defence it is not relevant that the undertaker had arranged for a competent person to carry out or supervise the maintenance of that part of the street 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 street and that those instructions had been carried out.

Temporary prohibition or restriction on use of streets and public rights of way

12.—(1) The undertaker, during and for the purposes of constructing or maintaining the authorised development, may temporarily close, prohibit the use of, restrict the use of, authorise the use of, alter or divert any street or public right of way and may for any reasonable time—

(a) divert the traffic or a class of traffic from the street or public right of way;

(b) authorise the use of motor vehicles on classes of public rights of way where, notwithstanding the provisions of this article, there is otherwise no public right to use motor vehicles; and

(c) subject to paragraph (2), prevent all persons from passing along the street or public right of way.

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

(3) Without prejudice to the generality of paragraph (1), the undertaker may restrict the use of the public rights of way specified in column 2 of the table in Part 2 (temporary management of public rights of way) of Schedule 6 (streets and public rights of way) to the extent specified in column 3 of that table.

(4) The undertaker must not temporarily close, prohibit the use of, authorise the use of, restrict the use of, alter or divert—

(a) any public right of way specified in paragraph (3) without first consulting the street authority; and

(b) any other public right of way without the consent of the street authority, and the street authority may attach reasonable conditions to any such consent.

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

(6) Without prejudice to the scope of paragraph (1), the undertaker may use any public right of way which has been temporarily closed under the powers conferred by this article and within the Order limits as a temporary working site.

(7) In this article expressions used in this article and in the 1984 Act have the same meaning.

(8) Nothing in this article prevents the undertaker from temporarily closing, prohibiting the use of, authorising the use of, restricting the use of, altering or diverting a public right of way under this article more than once.

Permanent stopping up and diverting of public rights of way

13.—(1) The undertaker may stop up the public rights of way specified in column 2 of the table in Part 1 (public rights of way to be permanently stopped up and diverted) of Schedule 6 (streets and public rights of way) to the extent specified in column 3 of that table.

(2) Public rights of way specified in column 2 of Part 1 (public rights of way to be permanently stopped up and diverted) of Schedule 6 (streets and public rights of way) are not to be wholly or partly stopped up under this article unless—

(a) the new public right of way to be constructed and substituted for it, which is specified in column 4 of that Part of that Schedule, has been completed in accordance with the details approved pursuant to requirement 16 in Schedule 2 (requirements) and is open for use; or

(b) a temporary alternative route for the passage of traffic as could have used the public right of way to be stopped up is first provided and subsequently maintained by the undertaker, to the reasonable satisfaction of the street authority, between the commencement and termination points for the stopping up of the public right of way until the completion and opening of the new public right of way in accordance with sub-paragraph (a).

(3) Where a public right of way has been stopped up under this article—

(a) all rights of way over or along the public right of way so stopped up are extinguished; and

(b) the undertaker may appropriate and use for the purposes of the authorised development so much of the site of the street or private means of access as is bounded on both sides by land owned by the undertaker.

(4) Following the opening for public use of a public right of way that has been permanently diverted under the powers conferred by this article the undertaker must supply the surveying authority with plans showing that public right of way as permanently diverted together with a statement of the modifications required to the definitive statement.

(5) The plans and statement of modifications to the definitive statement referred to in paragraph (4) are deemed to be an order modifying the definitive map and statement made under section 53(3)(a) (duty to keep definitive map and statement under contiguous review) of the Wildlife and Countryside Act 1981.

(6) This article is subject to article 33 (apparatus and rights of statutory undertakers in closed or restricted streets).

(7) In this article "surveying authority" has the meaning given to it by section 66(1) (interpretation of Part III) of the Wildlife and Countryside Act 1981.

Use of private roads

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

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

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

Access to works

15.—(1) The undertaker may, for the purposes of the authorised development and in connection with the authorised development—

(a) form and lay out the permanent means of access, or improve existing means of access, in the locations specified in Schedule 7 (access to works); and

(b) with the prior approval of the relevant planning authority after consultation with the highway authority, form and lay out such other means of access or improve existing means of access, at such locations within the Order limits as the undertaker reasonably requires for the purposes of the authorised development.

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

Agreements with street authorities

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

(a) the strengthening, improvement, repair or reconstruction of any street under the powers conferred by this Order;

(b) any, prohibition, restriction, alteration or diversion of a street authorised by this Order;

(c) the undertaking in the street of any of the works referred to in article 8 (street works) and article 11 (construction and maintenance of new and altered streets); or

(d) the adoption by a street authority which is the highway authority of works—

(i) undertaken on a street which is existing public maintainable highway; or

(ii) which the undertaker and highway authority agree to be adopted as public maintainable highway.

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

(a) make provision for the street authority to carry out any function under this Order which relates to the street in question;

(b) specify a reasonable time for the completion of the works; and

(c) contain such terms as to payment and otherwise as the parties consider appropriate.

Traffic regulation measures

17.—(1) Subject to the provisions of this article the undertaker may at any time, for the purposes of, or in connection with, the authorised development—

(a) make provision in respect of those lengths of road specified in column 2 of Part 1 (temporary speed limits) of Schedule 8 (traffic regulation measures) imposing the temporary speed limit mentioned in column 3 of that Part of that Schedule; and

(b) temporarily place traffic signs and signals in the extents of the road specified in column 2 of Part 2 (temporary traffic signals) of Schedule 8 (traffic regulation measures) and the placing of those traffic signs and signals is deemed to have been permitted by the traffic authority for the purposes of section 65 of the 1984 Act and the Traffic Signs Regulations and General Directions 2016(a).

(**a**) S.I. 2016/362.

(2) Subject to the provisions of this article and without limitation to the exercise of the powers conferred by paragraph (1), the undertaker may make temporary provision for the purposes of the construction or decommissioning of the authorised development—

(a) as to the speed at which vehicles may proceed along any road;

(b) permitting, prohibiting or restricting the stopping, waiting, loading or unloading of vehicles on any road;

(c) as to the prescribed routes for vehicular traffic or the direction or priority of vehicular traffic on any road;

(d) permitting, prohibiting or restricting the use by vehicular traffic or non-vehicular traffic of any road; and

(e) suspending or amending in whole or in part any order made, or having effect as if made, under the 1984 Act.

(3) Subject to the provisions of this article the undertaker may at any time, in the interests of safety and for the purposes of, or in connection with, the construction or decommissioning of the authorised development, temporarily place traffic signs and signals in the extents of road over which temporary provision has been made under paragraph (2) and the placing of those traffic signs and signals is deemed to have been permitted by the traffic authority for the purposes of section 65 of the 1984 Act and the Traffic Signs Regulations and General Directions 2016.

(4) No speed limit imposed by or under this Order applies to vehicles falling within regulation 3(4) of the Road Traffic Exemptions (Special Forces) (Variation and Amendment) Regulations 2011(a) when in accordance with regulation 3(5) of those regulations.

(5) Before exercising the power conferred by paragraph (2) the undertaker must—

(a) consult with the chief officer of police in whose area the road is situated; and

(b) obtain the written consent of the traffic authority.

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

(a) given not less than 4 weeks' notice in writing of its intention so to do to the chief officer of police and to the traffic authority in whose area the road is situated;

(b) not less than 7 days before the provision is to take effect published the undertaker's intention to make the provision in one or more newspaper circulating in the area in which any road to which the provision relates is situated; and

(c) displayed a site notice containing the same information at each end of the length of road affected.

(7) Any provision made under the powers conferred by paragraphs (1) or (2) of this article may be suspended, varied or revoked by the undertaker from time to time by subsequent exercise of the powers conferred by paragraph (1) or (2).

(8) Any provision made by the undertaker under paragraphs (1), (2) or (3)—

(a) must be made by written instrument in such form as the undertaker considers appropriate;

(b) has effect as if duly made by the traffic authority in whose area the road is situated as a traffic regulation order under the 1984 Act and the instrument by which it is effected may specify specific savings and exemptions to which the provision is subject; and

(c) is deemed to be a traffic order for the purposes of Schedule 7 to the Traffic Management Act 2004(b) (road traffic contraventions subject to civil enforcement).

PART 4

SUPPLEMENTAL POWERS

Discharge of water

18.—(1) Subject to paragraphs (3), (4) and (8) the undertaker may use any watercourse or any public sewer or drain for the drainage of water in connection with the construction, maintenance or decommissioning of

(**a**) S.I. 2011/935.
(**b**) 2004 c. 18.

the authorised development and for that purpose may lay down, take up and alter pipes and may, on any land within the Order limits, make openings into, and connections with, the watercourse, public sewer or drain.

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

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

(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; and

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

(5) Where the undertaker discharges water into, or makes any opening into, a watercourse, public sewer or drain belonging to or under the control of a drainage authority (as defined in Part 3 of Schedule 15 (protective provisions)), the provisions of Part 3 of Schedule 15 (protective provisions) apply in substitution for the provisions of paragraphs (3) and (4).

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

(7) This article does not authorise the entry into controlled waters of any matter whose entry or discharge into controlled waters requires a licence pursuant to the Environmental Permitting (England and Wales) Regulations 2016(b).

(8) 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 National Park Authority, a sewerage undertaker or an urban development corporation; and

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

Protective works to buildings

19.—(1) Subject to the following provisions of this article, the undertaker may at its own expense carry out such protective works to any building lying within the Order land as the undertaker considers necessary or expedient.

(2) Protective works may be carried out—

(a) at any time before or during the construction of any part of the authorised development in the vicinity of the building; 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 five years beginning with the date of final commissioning.

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

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

(a) enter the building and any land within its curtilage; and

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

(5) Before exercising—

(a) a right under paragraph (1) to carry out protective works to a building;

(b) a right under paragraph (3) to enter a building and land within its curtilage;

(**a**) 1991 c. 56.
(**b**) S.I. 2016/1154.
(**c**) 1991 c. 57.

(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), (c) or (d), specifying the protective works proposed to be carried out.

(6) Where a notice is served under paragraph (5)(a), (5)(c) or (5)(d), the owner or occupier of the 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 43 (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 five years beginning with the date of final commissioning of the relevant part of the authorised development it appears protective works are inadequate to protect the building against damage caused by the construction or use of that part of the authorised development, the undertaker must compensate the owners and occupiers of the building for any loss or damage sustained by them.

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

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

(11) Section 13 (refusal to give possession to acquiring authority) of the 1965 Act applies to the 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) 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 construction, maintenance or use of the authorised development; and

(b) any works the purpose of which is to remedy any damage which has been caused to the building by the construction, maintenance or use of the authorised development.

Authority to survey and investigate the land

20.—(1) The undertaker may for the purposes of this Order enter on any land shown within the Order land or enter on any land which may be affected by the authorised development or enter on any land upon which entry is required in order to carry out monitoring or surveys in respect of the authorised development and—

(a) survey or investigate the land;

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

(c) without prejudice to the generality of sub-paragraph (a), carry out ecological or archaeological investigations on such land, including the digging of trenches; 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, pull out tests or trenches.

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

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

(a) must, if so required before entering the land, produce written evidence of their authority to do so; and

(b) may take with them such vehicles and equipment as are necessary to carry out the survey or investigation or to make the trial holes.

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

(a) in land located within the highway boundary without the consent of the highway authority; or

(b) in a private street without the consent of the street authority.

(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.

(6) Section 13 (refusal to give possession to acquiring authority) of the 1965 Act applies to the 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) of the 2008 Act.

21. Not used.

PART 5

POWERS OF ACQUISITION

Compulsory acquisition of land

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

(2) This article is subject to article 23 (time limit for exercise of authority to acquire land compulsorily), article 24(2) (compulsory acquisition of rights) and article 31 (temporary use of land for constructing the authorised development).

Time limit for exercise of authority to possess land temporarily or to acquire land compulsorily

23.—(1) The applicable period for the purposes of section 4 of the 1965 Act (time limit for giving notice to treat) and section 5A of the 1981 Act (time limit for general vesting declaration) is five years beginning on the day on which this Order is made.

(2) No notice to treat is to be served under Part 1 (compulsory purchase under Acquisition of Land Act 1981) of the 1965 Act and no declaration is to be executed under section 4 (execution of declaration) of the 1981 Act as applied by article 26 (application of the 1981 Act) after the end of the applicable period, including any extension to the applicable period pursuant to those Acts.

(3) The authority conferred by article 31 (temporary use of land for constructing the authorised development) must not be used after the end of the applicable period referred to in paragraph (1), save that if an application is made under section 118 of the 2008 Act (legal challenges relating to applications for orders granting development consent) the applicable period is to be extended by—

(a) a period equivalent to the period beginning on the day the application is made and ending on the day it is withdrawn or finally determined; or

(b) if shorter, one year.

(4) An application is not finally determined for the purposes of paragraph (3)(a) if an appeal in respect of the application—

(a) could be brought (ignoring any possibility of an appeal out of time with permission); or

(b) has been made and not withdrawn or finally determined.

(5) Nothing in paragraph (3) prevents the undertaker remaining in possession of land after the end of that period, if the land was entered and possession was taken before the end of that period.

Compulsory acquisition of rights

24.—(1) Subject to paragraph (2) and article 31 (temporary use of land for constructing the authorised development), the undertaker may acquire compulsorily such rights over the Order land or impose such restrictive covenants over the Order land as may be required for any purpose for which that land may be acquired under article 22 (compulsory acquisition of land), by creating them as well as by acquiring rights already in existence.

(2) Subject to the provisions of this paragraph, article 25 (private rights) and article 33 (statutory undertakers), in the case of the Order land specified in column 1 of the table in Schedule 9 (land in which only new rights etc. may be acquired) the undertaker's powers of compulsory acquisition are limited to the acquisition of existing rights and benefit of restrictive covenants over that land and the creation and acquisition of such new rights and the imposition of restrictive covenants for the purpose specified in relation to that land in column 2 of the table in that Schedule.

(3) Subject to section 8 (other provisions as to divided land) and Schedule 2A (counter-notice requiring purchase of land) of the 1965 Act (as substituted by paragraph 5(8) of Schedule 10 (modification of compensation and compulsory purchase enactments for the creation of new rights and imposition of new restrictive covenants)), where the undertaker creates or acquires an existing right over land or the benefit of a restrictive covenant under paragraph (1) or (2), the undertaker is not required to acquire a greater interest in that land.

(4) Schedule 10 (modification of compensation and compulsory purchase enactments for the creation of new rights and imposition of new restrictive covenants) 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 restrictive covenants.

(5) In any case where the acquisition of new rights or imposition of a restriction under paragraph (1) or (2) is required for the purpose of diverting, replacing or protecting apparatus of a statutory undertaker, the undertaker may, with the consent of the Secretary of State, transfer the power to acquire such rights 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.

(7) Nothing in this article prevents the undertaker from acquiring rights more than once in relation to any land that the undertaker acquires rights in under this article.

Private rights

25.—(1) Subject to the provisions of this article, all private rights and restrictive covenants over land subject to compulsory acquisition under this Order are extinguished on the earliest of—

(a) the date of acquisition of the land or of the right or of the benefit of the restrictive covenant by the undertaker, whether compulsorily or by agreement or through the grant of a lease of the land by agreement; or

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

(2) Subject to the provisions of this article, all private rights or restrictive covenants over land subject to the compulsory acquisition of rights or the imposition of restrictive covenants under article 24 (compulsory acquisition of rights) cease to have effect in so far as their continuance would be inconsistent with the exercise of the right or compliance with the restrictive covenant on the earliest of—

(a) the date of the acquisition of the right or imposition of the restrictive covenant by the undertaker (whether the right is acquired compulsorily, by agreement or through the grant of a lease of the land by agreement); or

(b) the date of entry on the land by the undertaker under section 11(1) (power of entry) of the 1965 Act in pursuance of the right.

(3) Subject to the provisions of this article, all private rights or restrictive covenants over land of which the undertaker takes temporary possession under article 31 (temporary use of land for constructing the authorised development) or article 32 (temporary use of land for maintaining the authorised development) are suspended and unenforceable, in so far as their continuance would be inconsistent with the purpose for which temporary possession is taken, 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 or restrictive covenant under this article is entitled to compensation in accordance with the terms of section 152 (compensation in case where no right to claim in nuisance) of the 2008 Act to be determined, in case of dispute, under Part 1 of the 1961 Act.

(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 33 (statutory undertakers) applies.

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

(a) any notice given by the undertaker before—

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

(ii) the undertaker's appropriation of the land;

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

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

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

(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) If 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 that title was derived before or after the making of the agreement.

(8) References in this article to private rights over land include any right of way, trust, incident, restrictive covenant, easement, liberty, privilege, right or advantage annexed to land and adversely affecting other land, including any natural right to support; and include restrictions as to the user of land arising by virtue of a contract, agreement or undertaking having that effect.

Application of the 1981 Act

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

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

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

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

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

(5) In section 5B(1) (extension of time limit during challenge) for "section 23 of the Acquisition of Land Act 1981 (application to High Court in respect of compulsory purchase order)" substitute "section 118 of the 2008 Act (legal challenges relating to applications for orders granting development consent)".

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

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

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

"(2) But see article 27(3) (acquisition of subsoil only) of the Rosefield Solar Farm Order 202*, which excludes the acquisition of subsoil only from this Schedule.".

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

Acquisition of subsoil only

27.—(1) The undertaker may acquire compulsorily so much of, or such rights in, the subsoil of the land referred to in paragraph 22(1) of article 22 (compulsory acquisition of land) as may be required for any purpose for which that land may be acquired under that provision instead of acquiring the whole of the land.

(2) Where the undertaker acquires any part of, or rights in, the subsoil of land, 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 only—

(a) Schedule 2A (counter-notice requiring purchase of land not in notice to treat) to the 1965 Act;

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

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

(4) (4) Paragraphs (2) and (3) do not apply where the undertaker acquires a cellar, vault, arch or other construction forming part of a house, building or factory.

Power to override easements and other rights

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

(a) an interference with an interest or right to which this article applies; or

(b) a breach of a restriction as to the user of land arising by virtue of a contract.

(2) The interests and rights to which this article applies include any easement, liberty, privilege, right or advantage annexed to land and adversely affecting other land, including any natural right to support and include restrictions as to the user of land arising by virtue of a contract.

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

(a) is payable under section 7 (measure of compensation in case of severance) or section 10 (further provision as to compensation for injurious affection) of the 1965 Act; and

(b) is to be assessed in the same manner and subject to the same rules as in the case of other compensation under those sections where—

(i) the compensation is to be estimated in connection with a purchase under that Act; or

(ii) the injury arises from the execution of works on or use of land acquired under that Act.

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

(a) is liable to pay compensation by virtue of paragraph (3); and

(b) fails to discharge that liability,

the liability is enforceable against the undertaker.

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

(6) In this article "authorised activity" means—

(a) the erection, construction or maintenance of any part of the authorised development;

(b) the exercise of any power authorised by the Order; or

(c) the use of any land within the Order land (including the temporary use of land).

Modification of Part 1 of the Compulsory Purchase Act 1965

29.—(1) Part 1 of the 1965 Act (compulsory acquisition under Acquisition of Land Act 1946), as applied to this Order by section 125 (application of compulsory acquisition provisions) of the 2008 Act, is modified as follows.

(2) In section 4A(1) (extension of time limit during challenge) for "section 23 of the Acquisition of Land Act 1981 (application to High Court in respect of compulsory purchase order)" substitute "section 118 (legal challenges relating to applications for orders granting development consent) of the Planning Act 2008".

(**a**) Section 153(4A) was inserted by section 200(1) and (2) of the Housing and Planning Act 2016.

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

(a) in subsection (1)(a), after "land" insert "under that provision"; and

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

(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 24 (acquisition of subsoil only) of the Rosefield Solar Farm Order 202*, which excludes the acquisition of subsoil 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 19 (protective works to buildings), article 31 (temporary use of land for constructing the authorised development) or article 32 (temporary use of land for maintaining the authorised development) of the Rosefield Solar Farm Order 202*.".

Rights under or over streets

30.—(1) The undertaker may enter on, appropriate and use so much of the subsoil of or airspace over any street within the Order land 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 appropriated under paragraph (1) without the undertaker acquiring any part of that person's interest in the land, and who suffers loss as a result, is entitled to compensation to be determined, in case of dispute, under Part 1 (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 (sharing cost of necessary measures) of the 1991 Act applies in respect of measures of which the allowable costs are to be borne in accordance with that section.

Temporary use of land for constructing the authorised development

31.—(1) The undertaker may, in connection with the construction of the authorised development but subject to article 23 (time limit for exercise of authority to possess land temporarily or to acquire land compulsorily)—

(a) enter on and take temporary possession of—

(i) so much of the land specified in column 1 of the table in Schedule 11 (land of which temporary possession may be taken) for the purpose specified in relation to the land in column 2 of that table; and

(ii) any other Order land in respect of which no notice of entry has been served under section 11(a) of the 1965 Act (powers of entry) and no declaration has been made under section 4(b) of the 1981 Act (execution of declaration);

(**a**) Section 11 was amended by section 34(1) of, and paragraph 14(3) of 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), sections 186, 187 and 188 of, and paragraph 6 of Schedule 14 and paragraph 3 of Schedule 16 to, the Housing and Planning Act 2016 and S.I. 2009/1307.

(**b**) Section 4 as amended by section 184 and 185 of, and paragraphs 1 and 2 of Schedule 18 to, the Housing and Planning Act 2016.

(b) remove any buildings, structures, agricultural plant and apparatus, electric lines, drainage, fences, debris and vegetation from that land;

(c) construct temporary works (including means of access), haul roads, security fencing, bridges, structures and buildings on that land;

(d) use the land for the purposes of a temporary working site with access to the working site in connection with the authorised development;

(e) construct any works on that land as are mentioned in Schedule 1 (authorised development); and

(f) carry out mitigation works on that land required under the requirements in Schedule 2 (requirements).

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

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

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

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

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

(a) in the case of the land referred to in paragraph (1)(a)(i) after the end of the period of one year beginning with the date of final commissioning of the part of the authorised development for which temporary possession of the land was taken; or

(b) in the case of land referred to in paragraph (1)(a)(ii) after the end of the period of one year beginning with the date of final commissioning of the part of the authorised development for which temporary possession of the land was taken unless the undertaker has, before the end of that period, served a notice of entry under section 11 of the 1965 Act or made a declaration under section 4 of the 1981 Act in relation to that land.

(5) Unless the undertaker has served notice of entry under section 11 of the 1965 Act or made a declaration under section 4 of the 1981 Act or otherwise acquired the land or rights over land subject to temporary possession the undertaker must, before giving up possession of land of which temporary possession has been taken under this article, 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 any building, structure, agricultural plant or apparatus, electric line, debris, drain or vegetation removed under this article;

(b) remove any drainage works installed by the undertaker under this article;

(c) remove any new road surface or other improvements carried out under this article to any street specified in Schedule 4 (streets subject to street works), Schedule 5 (alteration of streets) or Schedule 7 (access to works);

(d) remove any fencing or boundary treatments installed by the undertaker under this article to replace or enhance existing fencing or boundary treatments;

(e) restore the land on which any works have been carried out under paragraph (1)(f) insofar as the works relate to mitigation works identified in the environmental statement or required pursuant to the requirements in Schedule 2 (requirements);

(f) remove any protective works which have been placed on the land under article 19 (protective works to buildings); or

(g) remove any measures installed over or around statutory undertakers' apparatus to protect that apparatus from the authorised development.

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

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

(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 (6).

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

(10) The undertaker must not compulsorily acquire, acquire new rights over or impose restrictive covenants over, the land referred to in paragraph (1)(a)(i) under this Order.

(11) Nothing in this article prevents the undertaker from—

(a) creating and acquiring new rights or imposing restrictions over any part of the Order land identified in Schedule 9 (land in which only new rights etc. may be acquired); or

(b) acquiring any part of the subsoil of (or rights in the subsoil of) that land under article 27 (acquisition of subsoil only) or any part of the subsoil of or airspace over that land under article 30 (rights under or over streets).

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

(13) Nothing in this article prevents the taking of temporary possession more than once in relation to any land that the undertaker takes temporary possession of under this article.

Temporary use of land for maintaining the authorised development

32.—(1) The undertaker may, at any time during the maintenance period relating to any part of the authorised development—

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

(b) enter on any land within the 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 as may be reasonably necessary for that purpose.

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

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

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

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

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

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

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

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

(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 maintenance of the authorised development, other than loss or damage for which compensation is payable under paragraph (6).

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

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

(11) In this article "the maintenance period" means—

(a) the period of five years beginning with the date of final commissioning of the part of the authorised development for which temporary possession is required under this article; or

(b) except where maintenance relates to landscaping, such period as is set out in the landscape and ecological management plan which is approved by the relevant planning authority pursuant to requirement 8, beginning with the date on which that part of the landscaping is completed.

Statutory undertakers

33. Subject to the provisions of Schedule 15 (protective provisions) the undertaker may—

(a) acquire compulsorily, or acquire new rights or impose restrictive covenants over, the land belonging to statutory undertakers shown on the land plans within the Order land; and

(b) extinguish the rights of, remove, relocate the rights of or reposition the apparatus belonging to statutory undertakers over or within the Order land.

Apparatus and rights of statutory undertakers in closed or restricted streets

34. Where a street is closed, altered or diverted or its use is temporarily prohibited or restricted under article 8 (street works), article 10 (power to alter layout, etc., of streets), article 11 (construction and maintenance of new and altered streets) or article 12 (temporary prohibition or restriction on use of streets and public rights of way) 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 Schedule 15 (protective provisions), as if this Order had not been made.

Recovery of costs of new connections

35.—(1) Where any apparatus of a public utility undertaker or of a public communications provider is removed under article 33 (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 33, any person who is—

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

(b) the owner of a private sewer which communicated with that sewer,

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

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

(4) In this article—

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

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

(**a**) 2003 c. 21.

PART 6

MISCELLANEOUS AND GENERAL

Benefit of the Order

36. Subject to article 37 (consent to transfer the benefit of the Order), the provisions of this Order have effect solely for the benefit of the undertaker save for the grid connection works in relation to which the provisions of this Order have effect for the benefit of the undertaker and NGET.

Consent to transfer the benefit of the Order

37.—(1) Subject to paragraph (3), the undertaker may—

(a) transfer to another person ("the transferee") any or all of the benefit of the provisions of this Order and such related statutory rights as may be agreed between the undertaker and the transferee; and

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

(2) Where a transfer or grant has been made references in this Order to the undertaker, except in paragraph (8), are to include references to the transferee or lessee.

(3) The consent of the Secretary of State is required for the exercise of the powers of paragraph (1) except where—

(a) the transferee or lessee is NGET;

(b) the transferee or lessee is the holder of a licence under section 6 (licences authorising supply etc.) of the 1989 Act; or

(c) the time limits for claims for compensation in respect of the acquisition of land or effects upon land under this Order have elapsed and—

(i) no such claims have been made;

(ii) any such claim has been made and has been compromised or withdrawn;

(iii) compensation has been paid in full and final settlement of any such claim;

(iv) payment of compensation into court has taken place in lieu of settlement of any such claim; or

(v) it has been determined by a tribunal or court of competent jurisdiction in respect of any such claim that no compensation is payable.

(4) Prior to transferring or granting a benefit referred to in paragraph (1), the undertaker must notify in writing—

(a) the Secretary of State and the relevant planning authority, where the consent of the Secretary of State is not required; and

(b) the relevant planning authority, where the consent of the Secretary of State is required.

(5) The notification referred to in paragraph (4) must state—

(a) the name and contact details of the person to whom the benefit of the powers will be transferred or granted;

(b) subject to paragraph (6), the date on which the transfer will take effect;

(c) the powers to be transferred or granted;

(d) pursuant to paragraph (8), the restrictions, liabilities and obligations that will apply to the person exercising the powers transferred or granted; and

(e) where relevant, a plan showing the works or areas to which the transfer or grant relates.

(6) The date specified under paragraph (5)(b) must not be earlier than the expiry of 14 working days from the date of the receipt of the notification.

(7) The notification given must be signed by the undertaker and the person to whom the benefit of the powers will be transferred or granted as specified in that notification.

(8) Where the undertaker has transferred any benefit, or for the duration of any period during which the undertaker has granted any benefit—

(a) the benefit transferred or granted ("the transferred benefit") must include any rights that are conferred, and any obligations that are imposed, by virtue of the provisions to which the benefit relates;

(b) the transferred benefit will reside exclusively with the transferee or, as the case may be, the lessee and the transferred benefit will not be enforceable against the undertaker; and

(c) the exercise by a person of any benefits or rights conferred in accordance with any transfer or grant 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.

Application of landlord and tenant law

38.—(1) This article applies to—

(a) any agreement for leasing to any person the whole or any part of the authorised development or the right to operate the same; and

(b) any agreement entered into by the undertaker with any person for the construction, maintenance, use or operation of the authorised development, or any part of it,

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

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

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

(a) exclude or in any respect modify any of the rights and obligations of those parties under the terms of the lease, whether with respect to the termination of the tenancy or any other matter;

(b) confer or impose on any such party any right or obligation arising out of or connected with anything done or omitted on or in relation to land which is the subject of the lease, in addition to any such right or obligation provided for by the terms of the lease; or

(c) restrict the enforcement (whether by action for damages or otherwise) by any party to the lease of any obligation of any other party under the lease.

Operational land for purposes of the 1990 Act

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

Felling or lopping of trees and removal of hedgerows

40.—(1) Subject to paragraph (2) and article 41 (trees subject to tree preservation orders) 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 from—

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

(b) constituting a danger to persons using the authorised development; or

(c) obstructing or interfering with the passage of construction vehicles to the extent necessary for the purposes of construction or decommissioning of 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 the authorised development or in connection with the authorised development and subject to paragraph (2) remove the hedgerows specified in column 2 of the table in Part 1 (removal of hedgerows) and column 2 of the table in Part 2 (removal of important hedgerows)

of Schedule 12 (hedgerows to be removed) to the extent set out in the landscape and ecological management plan approved pursuant to requirement 7 in Schedule 2 (requirements).

(5) The undertaker may not pursuant to paragraphs (1) and (4) fell or lop a tree or remove hedgerows within the extent of the publicly maintainable highway without the prior consent of the highway authority.

(6) In this article "hedgerow" has the same meaning as in the Hedgerows Regulations 1997(a).

Trees subject to tree preservation orders

41.—(1) The undertaker may, if it reasonably believes it to be necessary to do so in order to prevent the tree from obstructing or interfering with the construction, maintenance, operation or decommissioning of the authorised development or any apparatus used in connection with the authorised development, fell or lop or cut back the roots of any tree that is subject to a tree preservation order that is within or overhanging land within the Order limits and the relevant tree preservation order was made after 26 September 2025.

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

(a) the undertaker must do no unnecessary damage to any tree and must pay compensation to any person for any loss or damage arising from such activity; and

(b) the duty contained in section 206(1) (replacement of trees) of the 1990 Act does not apply.

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

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

Certification of plans and documents, etc.

42.—(1) The undertaker must, as soon as practicable after the making of this Order, submit to the Secretary of State copies of all documents and plans listed in the table at Schedule 13 (documents and plans to be certified) for certification that they are true copies of the documents referred to in this Order.

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

Arbitration

43.—(1) Any difference under any provision of this Order, unless otherwise provided for, is to be referred to and settled in arbitration in accordance with the rules set out in Schedule 14 (arbitration rules) of this Order, by a single arbitrator to be agreed upon by the parties, within 14 days of receipt of the notice of arbitration, or if the parties fail to agree within the time period stipulated, to be appointed on application of either party (after giving written notice to the other) by the Secretary of State.

(2) Any matter for which the consent or approval of the Secretary of State is required under any provision of this Order is not subject to arbitration.

Protective Provisions

44. Schedule 15 (protective provisions) has effect.

Service of notices

45.—(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.

(**a**) S.I. 1997/1160.

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

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

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

(4) Where for the purpose of this Order a notice or other document is required or authorised to be served on a person as having an 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 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 the person who is or appears to be resident or employed on the land or leaving it conspicuously affixed to some building or object on or near the land.

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

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

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

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

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

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

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

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

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

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

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

Procedure in relation to certain approvals etc.

46.—(1) Where an application is made to or request is made of, a consenting authority for any consent, agreement or approval required or contemplated by any of the provisions of the Order (not including the requirements), such consent, agreement or approval to be validly given, must be given in writing.

(2) Where paragraph (1) applies to any consent, agreement or approval, such consent, agreement or approval must not be unreasonably withheld or delayed.

(3) Schedule 16 (procedure for discharge of requirements) has effect in relation to all consents, agreements or approvals required, granted, refused or withheld in relation to the requirements.

(4) Save for applications made pursuant to Schedule 16 (procedure for discharge of requirements) and where stated to the contrary if, within eight weeks (or such longer period as may be agreed between the undertaker and the relevant consenting authority in writing) after the application or request has been submitted to a consenting authority it has not notified the undertaker of its disapproval and the grounds of disapproval, it is deemed to have approved the application or request.

(**a**) 1978 c. 30.

(5) Where any application is made as described in paragraph (1), the undertaker must include a statement in such application that refers to the timeframe for consideration of the application and the consequences of failure to meet that timeframe as prescribed by paragraph (4).

(6) Schedule 16 does not apply in respect of any consents, agreements or approvals contemplated by the provisions of Schedule 15 (protective provisions) or any dispute under article 19(6) (protective works to buildings) to which paragraph (4) applies.

(7) In this article "consenting authority" means the relevant planning authority, highway authority, traffic authority, street authority, the owner of a watercourse, sewer or drain or the beneficiary of any of the protective provisions contained in Schedule 15 (protective provisions).

Guarantees in respect of payment of compensation

47.—(1) The undertaker must not exercise the powers conferred by the provisions referred to in paragraph (2) in relation to any part of the Order limits unless it has first put in place either—

(a) a guarantee, the form and amount of which has been approved by the Secretary of State in respect of the liabilities of the undertaker to pay compensation pursuant to the provisions referred to in paragraph (2) in respect of the exercise of the relevant provision in relation to that part of the Order limits; or

(b) an alternative form of security, the form and amount of which has been approved by the Secretary of State in respect of the liabilities of the undertaker to pay compensation pursuant to the provisions referred to in paragraph (2) in respect of the exercise of the relevant provision in relation to that part of the Order limits.

(2) The provisions are—

(a) article 22 (compulsory acquisition of land);

(b) article 24 (compulsory acquisition of rights);

(c) article 25 (private rights);

(d) article 30 (rights under or over streets);

(e) article 31 (temporary use of land for constructing the authorised development);

(f) article 32 (temporary use of land for maintaining the authorised development); and

(g) article 33 (statutory undertakers).

(3) A guarantee or alternative form of security given in respect of any liability of the undertaker to pay compensation under this Order is to be treated as enforceable against the guarantor or person providing the alternative form of security by any person to whom such compensation is payable and must be in such a form as to be capable of enforcement by such a person.

(4) Nothing in this article requires a guarantee or alternative form of security to be in place for more than 15 years after the date on which the relevant power is exercised.

Compulsory acquisition of land - incorporation of the mineral code

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

(a) for "the acquiring authority" substitute "the undertaker";

(b) for the "undertaking" substitute "authorised development"; and

(c) paragraph 8(3) is not incorporated.

No double recovery

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

Signed by authority of the Secretary of State for Energy Security and Net Zero

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(**a**) 1981 c. 67.

Signature

Address
Date

Title
Department for Energy Security and Net Zero

SCHEDULES

SCHEDULE 1 Article 3

AUTHORISED DEVELOPMENT

1. In this Schedule—

"balance of solar system (BoSS) plant" means inverters, transformers, switch gear, combiner boxes and cabling and would be either—

(a) centralised inverters, transformers and switch gear placed on adjustable legs or metal skids with each component either—

(i) "independent outdoor equipment" located outside, on concrete pads, concrete columns or foundation slab, or compacted hardcore material for each of the inverters and transformers and switch gear; or

(ii) "inverter transformer station" housed together within a container sitting on a concrete foundation slab or compacted hardcore material; or

(b) string inverters and combiner boxes attached either to mounting structures or a ground mounted frame, wired to or connected to switch gear and transformers on a concrete foundation slab or compacted hardcore material;

"electrical cables" means—

(a) cables of differing types and voltages installed for the purposes of conducting electricity, auxiliary cables, cables connecting to direct current (DC) boxes, earthing cables and optical fibre cables; and

(b) works associated with cable laying including jointing pits, hardstanding adjoining the jointing pits, combiner boxes, fibre bays, cable ducts, cable protection, joint protection, manholes, kiosks, marker posts, underground cable marker, tiles and tape, send and receive pits for horizontal directional drilling, trenching, lighting, earthing rods, and a pit or container to capture fluids associated with drilling;

"energy storage" means equipment used for the storage of electrical energy;

"inverter" means electrical equipment required to convert direct current power to alternating current;

"main collector compound" connects Work Nos. 1, 3 and 4 to Work No. 2A to enable collection of electricity and transmission of electricity from and to Work No. 1, Work No. 2A and Work No. 4;

"mounting structure" means a frame or rack made of steel or other material designed to support the solar panels and mounted on helical or driven piled vertical posts or screw piles;

"National Grid East Claydon Substation" means the substation at Buckingham MK18 3ND, owned and operated by NGET;

"permissive paths" means new paths providing restricted public access within the Order limits along the approximate routes shown on the outline landscape and ecological management plan;

"satellite collector compound" means a compound with electrical equipment required to collect electricity from the balance of solar system (BoSS) plant in Work No.1 which transmits it to Work No. 2A or Work No. 5, sitting on concrete pads or concrete columns;

"solar panel" means a solar photovoltaic panel or module designed to convert solar irradiance to electrical energy;

"substation" means a substation containing electrical equipment required to switch, transform, convert electricity and provide reactive power compensation;

"switch gear" means a combination of electrical disconnect switches, fuses or circuit breakers used to control, protect and isolate electrical equipment; and

"transformer" means a structure serving to transform electricity to a higher voltage.

Authorised development

2. In the administrative area of Buckinghamshire Council a nationally significant infrastructure project as defined in sections 14 and 15 of the 2008 Act and associated development under section 115(1)(b) of the 2008 Act.

The nationally significant infrastructure project comprises one generating station with a gross electrical output capacity of over 50 megawatts comprising all or any of the work numbers in this Schedule or any part of any work number in this Schedule—

Work No. 1 – a ground mounted solar photovoltaic generating station with a gross electrical output capacity of over 50 megawatts, including—

(a) solar PV modules fitted to mounting structures; and

(b) balance of solar system (BoSS) plant.

and associated development within the meaning of s115(2) of the 2008 Act comprising—

Work No. 2 – works in connection with an onsite substation compound including—

(a) **Work No. 2A** – substation works comprising—

(i) substation (excluding the transformers forming part of the substation), switch room buildings and ancillary equipment including reactive power units, disconnectors, circuit breakers, busbars, lighting surge arrestors, emergency back-up diesel generator;

(ii) control building housing offices, security cabin, material storage and laydown areas, welfare facilities, parking areas and access;

(iii) ancillary structures;

(iv) monitoring and control systems for Work No. 2 and Work No. 1 housed within the control building in Work No. 2A(ii) or located separately in their own containers or control rooms; and

(v) transformers and associated barriers required for fire safety and noise mitigation.

(b) **Work No. 2B** – an abnormal indivisible load corridor required to facilitate abnormal indivisible load movements including—

(i) in connection with Work No. 2A; and

(ii) crossings over watercourses via bridges.

Work No. 3 – works in connection with satellite collector compounds, including—

(a) **Work No. 3A** – satellite collector compound works comprising –

(i) switch gear; and

(ii) maintenance building(s) housing a control room, monitoring equipment, storage, security and welfare facilities.

(b) **Work No. 3B** – transformers that form part of the satellite collector compounds for Work No. 3A and associated barriers for fire safety and noise mitigation.

Work No. 4 – an energy storage facility comprising a battery energy storage system compound including—

(a) battery energy storage system (BESS) units each comprising an enclosure for BESS electro-chemical components and associated equipment, joined or close coupled to each other, mounted on a reinforced concrete foundation slab, compacted hardcore, concrete piles or screw piles;

(b) transformers and associated bunding;

(c) inverters, switch gear, power conversion systems (PCS) and ancillary equipment;

(d) containers or enclosures housing all or any of Work Nos. 4(a), (b) and (c) and ancillary equipment;

(e) monitoring and control systems housed within the containers or enclosures comprised in Work Nos. 4(a) or (d) or located separately in its own container or enclosure;

(f) heating, ventilation and air conditioning (HVAC) systems and externally mounted noise reduction kits integrated into Work No 4(a) and either housed on or attached to the side of the BESS units;

(g) fire safety infrastructure including firefighting water storage tanks to supply water for firefighting and for containment of fire water and hard standing to accommodate emergency vehicles;

(h) emergency back-up diesel generator;

(i) containers or similar structures to house spare parts and materials required for the day to day operation of the BESS facility;

(j) fencing and acoustic barriers;

(k) staging area and parking area; and

(l) ancillary buildings including a security cabin housing security and monitoring equipment, control room, office and welfare facilities.

Work No. 5 – a main collector compound comprising –

(a) works to connect underground cabling including from Work No. 3 and Work No. 4, and to facilitate connection with Work No. 2A;

(b) equipment and buildings on shallow concrete pad foundations or screw piles;

(c) electrical equipment including static compensation devices, auxiliary transformers, switch gear, harmonic filters and reactive power compensation equipment which may be housed within an indoor unit or a separate outdoor fenced area within Work No. 5;

(d) fencing and acoustic barriers;

(e) ancillary building(s) including a security cabin and welfare cabin, control buildings housing monitoring equipment and storage facilities.

Work No. 6 – works to lay high voltage electrical cables and access for the electrical cables, including—

(a) works to lay electrical cables including 400 kilovolt cables connecting Work No. 2A into the National Grid East Claydon Substation;

(b) above-ground infrastructure including cable sealing ends and disconnectors; and

(c) laying down of temporary internal access tracks, ramps, means of access, footways, including the laying and construction of drainage infrastructure, signage and information boards.

Work No. 7 – works to lay electrical cables up to 132 kilovolt connecting Work Nos. 1, 2A, 3, 4, 5 and 6 and laying down of internal access tracks.

Work No. 8 – temporary construction and decommissioning compounds in connection with Work Nos. 1 to 7, 9 and 10 including—

(a) **Work No. 8A** – up to three primary temporary construction and decommissioning areas, including —

(i) areas of hardstanding with haul road areas;

(ii) car parking;

(iii) site and welfare offices and facilities, canteens and workshops;

(iv) area to store materials, plant and equipment;

(v) storage and waste skips;

(vi) area for download and turning;

(vii) security infrastructure, including cameras, perimeter fencing, security gatehouse(s) and lighting;

(viii) site drainage and waste management infrastructure (including sewerage); and

(ix) electricity, water, wastewater and telecommunications connections.

(b) **Work No. 8B** – up to three secondary temporary construction and decommissioning areas, including —

(i) areas of hardstanding with haul road areas;

(ii) car parking;

(iii) site and welfare offices and facilities, canteens and workshops;

(iv) area to store materials, plant and equipment;

(v) storage and waste skips;

(vi) area for download and turning;

(vii) security infrastructure, including cameras, perimeter fencing, security gatehouse(s) and lighting;

(viii) site drainage and waste management infrastructure (including sewerage); and

(ix) electricity, water, waste water and telecommunications connections.

Work No. 9 – works to facilitate access to Work Nos. 1 to 8 and 10 including—

(a) creation of accesses from the public highway;

(b) creation of visibility splays;

(c) works to alter the layout of any street or highway;

(d) works to widen and surface the streets; and

(e) making and maintaining passing places.

Work No. 10 – works in relation to blue and green infrastructure, mitigation and access, including—

(a) Work No. 10A – works to create, enhance and maintain green and blue infrastructure and mitigation, including-

(i) landscape and biodiversity mitigation and enhancement areas;

(ii) habitat creation and management, including earthworks, landscaping, means of enclosure, and the laying and construction of drainage infrastructure;

(iii) improvements to connectivity by laying down of new permissive paths, signage and information boards;

(iv) improvements to connectivity by permanent diversions to public rights of way, signage and information boards;

(v) earth bund; and

(vi) screening.

(b) Work No. 10B – works for the laying down of internal access tracks, ramps, means of access, footways, including the laying and construction of drainage infrastructure, signage and information boards.

In connection with and in addition to Work Nos. 1 to 10 further associated development within the Order limits including—

(a) fencing, gates, boundary treatment and other means of enclosure;

(b) bunds, embankments, trenching and swales;

(c) works to the existing irrigation system(s) and works to alter the position and extent of such irrigation system(s);

(d) rain or grey water harvesting and recycling systems;

(e) roof top solar panels;

(f) surface water drainage systems, storm water attenuation systems including storage basins, oil water separators, including channelling and culverting and works to existing drainage networks;

(g) electrical, gas, water, foul water drainage and telecommunications infrastructure connections, diversions and works to, and works to alter the position of, such services and utilities connections;

(h) works to alter the course of, or otherwise interfere with, non-navigable rivers, streams or watercourses;

(i) works for the provision of security and monitoring measures such as CCTV columns and CCTV, security cabins, lighting columns and lighting and weather stations;

(j) improvement, maintenance, repair and use of existing streets, private tracks and access roads;

(k) laying down, maintenance and repair of new internal access tracks, ramps, means of access, permissive paths and roads, crossings of drainage ditches and watercourses, including signage and information boards;

(l) temporary and permanent public right of way diversions and closures and new and/or improvements to infrastructure (e.g. gates and stiles) along temporarily or permanently diverted public rights or way footpaths;

(m) landscaping and biodiversity mitigation and enhancement measures including planting;

(n) tunnelling, boring and drilling works;

(o) earthworks, site establishments and preparation works including site clearance (including vegetation removal); earthworks (including soil stripping and storage and site levelling) and excavations; the alteration of the position of services and utilities; and works for the protection of buildings and land;

(p) other works to mitigate any adverse effects of the construction, maintenance, operation or decommissioning of the authorised development,

and further associated development comprising such other works or operations as may be necessary or expedient for the purposes of or in connection with the construction, operation and maintenance of the authorised development but only within the Order limits and insofar as they are unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

SCHEDULE 2

Article 3

REQUIREMENTS

Commencement of the authorised development

1.—(1) The authorised development must not be commenced after the expiration of five years from the date this Order comes into force.

(2) For the purposes of sub-paragraph (1), "commence" includes any of the permitted preliminary works.

Phasing of the authorised development and date of final commissioning

2.—(1) The authorised development must not be commenced until a written scheme setting out the phases of construction of the authorised development has been submitted to and approved by the relevant planning authority.

(2) The scheme submitted pursuant to sub-paragraph (1) must include a timetable for the construction of the phases of the authorised development and a plan identifying the phasing areas.

(3) The scheme submitted and approved pursuant to sub-paragraph (1) must be implemented as approved.

(4) Nothing shall prevent the undertaker and the relevant planning authority agreeing from time to time to amend the written scheme setting out the proposed phases of construction.

(5) The agreed written scheme may contain flexibility and optioneering for different proposed phases of construction provided that the undertaker notifies the relevant planning authority of the final intended phasing prior to commencement.

(6) Notice of the date of final commissioning with respect to each phase of Work No.1 must be given to the relevant planning authority within 15 working days of the date of final commissioning for that phase.

Requirement for written approval

3.—(1) With respect to the documents certified under article 42 (certification of plans and documents, etc) and any plans, details or schemes which have been approved pursuant to any requirement (together the "Approved Documents, Plans, Details or Schemes"), the undertaker may submit to the relevant planning authority for approval any amendments to any of the Approved Documents, Plans, Details or Schemes and, following approval by the relevant planning authority, the relevant Approved Documents, Plans, Details or Schemes is to be taken to include the amendments as so approved pursuant to this paragraph.

(2) Approval under sub-paragraph (1) for the amendments to any of the Approved Documents, Plans, Details or Schemes must not be given except where it has been demonstrated to the satisfaction of the relevant planning authority that the subject matter of the approval sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

Detailed design approval

4.—(1) No part of Work Nos. 1 to 7 and 10 may commence until details of—

(a) the layout;

(b) scale;

(c) proposed finished ground levels;

(d) external appearance;

(e) hard surfacing materials;

(f) vehicular and pedestrian access, parking and circulation areas; and

(g) refuse or other storage units, signs and lighting,

relating to that part have been submitted to and approved by the relevant planning authority.

(2) The details submitted must accord with—

(a) the design commitments; and

(b) any details approved under requirements 6 (battery safety management), 7 (landscape and ecological management plan), 8 (fencing and other means of enclosure), 9 (drainage), 10 (archaeology), 14 (operational noise) and 16 (outline rights of way and access strategy).

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

Community liaison group

5.—(1) Prior to the commencement of the authorised development the undertaker must submit to the relevant planning authority for approval the terms of reference for a community liaison group whose aim is to facilitate liaison between representatives of people living in the vicinity of the Order limits and other relevant organisations in relation to the construction of the authorised development.

(2) The community liaison group must be established prior to commencement of the authorised development and must be administered by the undertaker, and operated, in accordance with the approved terms of reference.

(3) The community liaison group is to continue to meet until the date of final commissioning of the final part of the authorised development unless otherwise agreed with the relevant planning authority.

Battery safety management

6.—(1) Work No. 4 must not commence until a battery safety management plan has been submitted to and approved by the relevant planning authority.

(2) The battery safety management plan must be substantially in accordance with the outline battery safety management plan.

(3) The relevant planning authority must consult with the Buckinghamshire Fire and Rescue Service and the Environment Agency before determining an application for approval of the battery safety management plan.

(4) The battery safety management plan must be implemented as approved and maintained throughout the construction, operation and decommissioning of the relevant part of the authorised development to which the plan relates.

Landscape and ecological management plan

7.—(1) No part of the authorised development may commence until a written landscape and ecological management plan has been submitted to and approved by the relevant planning authority for that part, in consultation with the Environment Agency and Natural England.

(2) The landscape and ecological management plan must be substantially in accordance with the outline landscape and ecological management plan and for that part of the authorised development to which it relates must include details of how the plan proposals will contribute to the achievement of a minimum 40% biodiversity net gain for area-based habitat units, 17% biodiversity net gain for hedgerow units and 10% biodiversity net gain for watercourse units for all of the authorised development during the operation of the authorised development, using the Department for Environment, Food and Rural Affairs' 4.0 metric to calculate those percentages (or such other biodiversity metric approved by the relevant planning authority in consultation with the relevant statutory nature conservation body).

(3) The landscape and ecological management plan must be implemented as approved and maintained throughout the operation of the relevant part of the authorised development to which the plan relates.

(4) For the purposes of sub-paragraph (1), "commence" includes part (h) (site clearance (including vegetation removal, demolition of existing structures or buildings), (i) (Work No. 9 (works to facilitate access to Work Nos. 1 to 8 and 10)), part (k) (early establishment of ecological mitigation including for badgers) and part (l) (advanced planting) of the permitted preliminary works.

Fencing and other means of enclosure

8.—(1) No part of the authorised development may commence until written details of all proposed temporary fences, walls or other means of enclosure, including those set out in the construction environmental management plan, for that part have been submitted to and approved by the relevant planning authority.

(2) No part of the authorised development may commence until written details of all permanent fences, walls or other means of enclosure for that part have been submitted to and approved by the relevant planning authority.

(3) For the purposes of sub-paragraph (1), "commence" includes any permitted preliminary works.

(4) The written details provided under sub-paragraph (2) must accord with the relevant design commitments.

(5) Any construction site must remain securely fenced in accordance with the approved details under sub-paragraph (1) at all times during construction of the authorised development.

(6) Any temporary fencing approved under sub-paragraph (1) must be removed on completion of the construction of the part of the authorised development for which it was used.

(7) Any permanent fencing approved under sub-paragraph (2) for a part of the authorised development must be completed before the date of final commissioning of that part and must be properly maintained for the operational lifetime of the part of the authorised development.

Drainage

9.—(1) No part of the authorised development may commence until written details of the drainage strategy for that part have been submitted to and approved by the relevant planning authority, in consultation with the Environment Agency and Anglian Water Services Limited or its successor in function as the relevant water undertaker.

(2) The written details under sub-paragraph (1) must be substantially in accordance with the outline drainage strategy.

(3) Any approved strategy must be implemented as approved and maintained throughout the construction and operation of the authorised development.

Archaeology

10.—(1) No part of the authorised development may commence until for that part:

(a) a written scheme of investigation has been submitted to and approved by the relevant planning authority in consultation with Historic England;

(b) any archaeological evaluation as required pursuant to the approved written scheme of investigation to inform the approach to mitigation has been carried out in accordance with the approved written scheme of investigation; and

(c) updates are made to the draft archaeological management strategy to account for the results of the additional archaeological evaluation carried out and such updated archaeological management strategy has been submitted to and approved by the relevant planning authority in consultation with Historic England (at which time, such document shall become the archaeological management strategy).

(2) The written scheme of investigation under sub-paragraph (1)(a) must be substantially in accordance with the draft archaeological management strategy.

(3) For the purposes of sub-paragraph (1), "commence" includes parts (a) to (f) and parts (h) to (l) inclusive of the permitted preliminary works.

(4) Any approved written scheme of investigation (whether pursuant to sub-paragraph (1)(a) or (1)(c)) and archaeological management strategy must be implemented as approved and maintained throughout the construction of the authorised development and any archaeological works or watching brief must be carried out in accordance with the approved scheme.

Construction environmental management plan

11.—(1) No part of the authorised development may commence until a construction environmental management plan for that part has been submitted to and approved by the relevant planning authority in consultation with the Environment Agency and Natural England.

(2) The construction environmental management plan must be substantially in accordance with the outline construction environmental management plan.

(3) All construction works associated with the authorised development must be carried out in accordance with the approved construction environmental management plan.

(4) For the purposes of sub-paragraph (1) "commence" includes intrusive site investigations for the purpose of assessing ground conditions included in part (a) (environmental surveys, geotechnical surveys, intrusive archaeological surveys and other investigations for the purpose of assessing ground conditions), part (d) (remedial works in respect of any contamination or other adverse ground conditions) and part (i) (Work No. 9 (works to facilitate access to Work Nos. 1 to 8 and 10)) of the permitted preliminary works.

Operational environmental management plan

12.—(1) Prior to the date of final commissioning for any part of the authorised development, an operational environmental management plan for that part must be submitted to and approved by the relevant planning authority in consultation with the Environment Agency and Natural England.

(2) The operational environmental management plan must be substantially in accordance with the outline operational environmental management plan.

(3) The operational environmental management plan must be implemented as approved and maintained throughout the operation of the relevant part of the authorised development to which the plan relates.

Construction traffic management plan

13.—(1) No part of the authorised development may commence until a construction traffic management plan for that part has been submitted to and approved by the relevant planning authority in consultation with the local highway authority.

(2) The construction traffic management plan must be substantially in accordance with the outline construction traffic management plan.

(3) All construction works associated with the authorised development must be carried out in accordance with the approved construction traffic management plan.

(4) For the purposes of sub-paragraph (1), "commence" includes part (i) (Work No. 9 (works to facilitate access to Work Nos. 1 to 8 and 10)) of the permitted preliminary works.

Operational noise

14.—(1) No part of Work Nos. 1 to 5 may commence until an operational noise assessment containing details of how the design of that numbered work has incorporated mitigation to ensure the operational noise rating levels as set out in paragraph 13.9.19 of chapter 13 of the environmental statement are complied with for that part has been submitted to and approved by the relevant planning authority.

(2) The design as described in the operational noise assessment must be implemented as approved and maintained throughout the operation of the relevant part of the authorised development to which the plan relates.

Employment, skills and supply chain

15.—(1) No part of the authorised development may commence until an employment, skills and supply chain plan in relation to that part has been submitted to and approved by the relevant planning authority.

(2) The employment, skills and supply chain plan must be substantially in accordance with the outline employment, skills and supply chain plan.

(3) The employment, skills and supply chain plan must identify opportunities for individuals and businesses to access employment and supply chain opportunities associated with that part of the authorised development to which the plan relates and the means for publicising such opportunities.

(4) The employment, skills and supply chain plan must be implemented as approved and maintained throughout the operation of the relevant part of the authorised development to which the plan relates.

Rights of way and access strategy

16.—(1) No part of the authorised development may commence until details of the layout, alignment and specification of the—

(a) public rights of way to be permanently substituted and provided for pursuant to article 13 (permanent stopping up and diverting of public rights of way); and

(b) permissive paths to be created as identified on the streets, rights of way and access plans,

in relation to that part have been submitted to and approved by the relevant planning authority.

(2) The details of the public rights of way and permissive paths must accord with—

(a) the streets, rights of way and access plans; and

(b) the design commitments.

(3) The public rights of way and permissive paths must be provided in accordance with the approved details.

(4) No part of the authorised development may commence until a rights of way and access strategy relating to that part has been submitted to and approved by the relevant planning authority.

(5) The rights of way and access strategy must be substantially in accordance with the outline rights of way and access strategy.

(6) The rights of way and access strategy must be implemented as approved and maintained throughout the construction and operation of the relevant part of the authorised development to which the strategy relates.

(7) Nothing in this requirement prevents the withdrawal by the undertaker or its successor in title of permission to use the permissive paths after the date of decommissioning determined in accordance with requirement 18 (decommissioning and restoration).

(8) For the purposes of sub-paragraphs (1) and (4), "commence" includes part (j) (diversion of existing public rights of way) and part (k) (early establishment of ecological mitigation including for badgers) of the permitted preliminary works.

Soil management plan

17.—(1) No part of the authorised development may commence until a soil management plan for that part has been submitted to and approved by the relevant planning authority in consultation with Natural England.

(2) The soil management plan must be substantially in accordance with the outline soil management plan.

(3) The soil management plan must be implemented as approved and maintained throughout the operation of the relevant part of the authorised development to which the plan relates.

Decommissioning and restoration

18.—(1) The date of decommissioning:

(a) with respect to each phase of Work No. 1 must be no later than 40 years following the date of final commissioning as notified to the relevant planning authority pursuant to requirement 2(6); and

(b) with respect to the associated development in Work Nos. 2 to 10 must be no later than the date of decommissioning for the phase of Work No. 1 to which such associated development relates, and where such associated development relates to more than one phase of Work No. 1 must be no later than the latest date of decommissioning of the phases of Work No. 1 to which such associated development relates.

(2) Unless otherwise agreed with the relevant planning authority, no later than 12 months prior to the date the undertaker intends to decommission any part of the authorised development, the undertaker must notify the relevant planning authority of the intended date of decommissioning for that part of the authorised development.

(3) Unless otherwise agreed with the relevant planning authority, no later than eight weeks prior to the intended date of decommissioning of any part of the authorised development notified pursuant to sub-paragraph (2), the undertaker must submit to the relevant planning authority a decommissioning environmental management plan for approval.

(4) The decommissioning environmental management plan must be substantially in accordance with the outline decommissioning environmental management plan and must include a timetable for its implementation.

(5) No decommissioning works may be carried out until the relevant planning authority has approved the decommissioning environmental management plan submitted in relation to those works, in consultation with the Environment Agency and Natural England.

(6) The decommissioning environmental management plan must be implemented as approved.

(7) This requirement is without prejudice to any other consents or permissions that may be required to decommission any part of the authorised development.

SCHEDULE 3

Article 6

LEGISLATION TO BE DISAPPLIED

1. The following provisions do not apply in so far as they relate to the construction of any numbered work or the carrying out of any operation required for the purpose of, or in connection with, the construction, operation, maintenance or decommissioning of the authorised development and so far as the provisions still in force are incompatible with the powers contained within this Order—

(a) Bucks Water Act 1937;

(b) Buckinghamshire County Council Act 1957;

(c) British Transport Commission Act 1958; and

(d) Buckinghamshire County Council Act 1971.

SCHEDULE 4

Article 8

STREETS SUBJECT TO STREET WORKS

(1) *Area*	*(2)* *Street*	*(3)* *Extent of the street works*
District of Buckinghamshire	Public right of way SCL/12/1	Street works to facilitate cable installation works between points SW01 and SW02 by a pink line on sheet 1 of the streets, rights of way and access plans.
District of Buckinghamshire	Public right of way SCL/12/2	Street works to facilitate cable installation works between points SW03 and SW04 by a pink line on sheet 1 of the streets, rights of way and access plans.
District of Buckinghamshire	Public right of way SCL/13/1 (proposed)	Street works to facilitate cable installation works between points SW40 and SW41 by a pink line on sheet 1 of the streets, rights of way and access plans.
District of Buckinghamshire	Public right of way SCL/13/2 (proposed)	Street works to facilitate cable installation works between points SW42 and SW43 by a pink line on sheet 1 of the streets, rights of way and access plans.
District of Buckinghamshire	Three Points Lane, Botolph Claydon	Street works to facilitate cable installation works between points SW05 and SW06 by a pink line on sheet 3 of the streets, rights of way and access plans.
District of Buckinghamshire	Public right of way MCL/15/1	Street works to facilitate cable installation works between points SW07 and SW08 by a pink line on sheets 3 and 4 of the streets, rights of way and access plans.
District of Buckinghamshire	Public right of way ECL/9/1	Street works to facilitate cable installation works between points SW09 and SW10 by a pink line on sheets 3 and 4 of the streets, rights of way and access plans.
District of Buckinghamshire	Public right of way ECL/9/1	Street works to facilitate cable installation works between points SW11 and SW12 by a pink line on sheet 4 of the streets, rights of way and access plans.
District of Buckinghamshire	Public right of way ECL/8/11	Street works to facilitate cable installation works between points SW13 and SW14 by a pink line on sheet 4 of the

		streets, rights of way and access plans.
District of Buckinghamshire	Public right of way ECL/7/3	Street works to facilitate cable installation works between points SW15 and SW16 by a pink line on sheets 4 and 6 of the streets, rights of way and access plans.
District of Buckinghamshire	Public right of way ECL/10/4	Street works to facilitate cable installation works between points SW17 and SW18 by a pink line on sheet 4 of the streets, rights of way and access plans.
District of Buckinghamshire	Public right of way QUA/38/1	Street works to facilitate cable installation works between points SW19 and SW20 by a pink line on sheet 5 of the streets, rights of way and access plans.
District of Buckinghamshire	Public right of way QUA/41/1	Street works to facilitate cable installation works between points SW21 and SW22 by a pink line on sheet 5 of the streets, rights of way and access plans.
District of Buckinghamshire	Claydon Road	Street works to facilitate cable installation works between points SW23 and SW24 by a pink line on sheet 6 of the streets, rights of way and access plans.
District of Buckinghamshire	Granborough Road	Street works to facilitate cable installation works between points SW44 and SW45 by a pink line on sheet 6 of the streets, rights of way and access plans.
District of Buckinghamshire	Public right of way ECL/6/1	Street works to facilitate cable installation works between points SW25 and SW26 by a pink line on sheet 6 of the streets, rights of way and access plans.
District of Buckinghamshire	Public right of way ECL/5/1	Street works to facilitate cable installation works between points SW27 and SW28 by a pink line on sheets 6 and 7 of the streets, rights of way and access plans.
District of Buckinghamshire	Public right of way ECL/4/1	Street works to facilitate cable installation works between points SW29 and SW30 by a pink line on sheet 7 of the streets, rights of way and access plans.
District of Buckinghamshire	Public right of way ECL/3/2	Street works to facilitate cable installation works between points SW30 and SW31 by a

		pink line on sheet 7 of the streets, rights of way and access plans.
District of Buckinghamshire	Public right of way ECL/3/1	Street works to facilitate cable installation works between points SW31 and SW32 by a pink line on sheet 7 of the streets, rights of way and access plans.
District of Buckinghamshire	Public right of way ECL/3A/1	Street works to facilitate cable installation works between points SW31 and SW33 by a pink line on sheet 7 of the streets, rights of way and access plans.
District of Buckinghamshire	Public right of way ECL/4/2 (proposed)	Street works to facilitate cable installation works between points SW30 and SW34 by a pink line on sheet 7 of the streets, rights of way and access plans.

SCHEDULE 5

Articles 10 and 11

ALTERATION OF STREETS

(1) *Area*	*(2)* *Street*	*(3)* *Description of alteration*
District of Buckinghamshire	Public right of way MCL/17/1	Alteration of layout including the provision of a permanent means of access at AS-A7 between points AC-A13 and AC-A14 shown shaded orange on sheet 2 of the streets, rights of way and access plans.
District of Buckinghamshire	Three Points Lane, Botolph Claydon	Alteration of layout including the provision of a permanent means of access at AS-A4 between points AC-A7 and AC-A8 shown shaded orange on sheet 3 of the streets, rights of way and access plans, and associated works between points A1 and A2 on sheet 3 of the streets, rights of way and access plans.
District of Buckinghamshire	Three Points Lane, Botolph Claydon	Alteration of layout including the provision of a permanent means of access at AS-A5 between points AC-A9 and AC-A10 shown shaded orange on sheet 3 of the streets, rights of way and access plans, and associated works between points A1 and A2 on sheet 3 of the streets, rights of way and access plans.
District of Buckinghamshire	Three Points Lane, Botolph Claydon	Alteration of layout including the provision of a permanent means of access at AS-A6 between points AC-A11 and AC-A12 shown shaded orange on sheet 3 of the streets, rights of way and access plans, and associated works between points A1 and A2 on sheet 3 of the streets, rights of way and access plans.
District of Buckinghamshire	Claydon Road, Botolph Claydon	Alteration of layout including the provision of a permanent means of access at AS-A2 between points AC-A3 and AC-A4 shown shaded orange on sheet 6 of the streets, rights of way and access plans, and associated works between points A5 and A6 on sheet 6 of the streets, rights of way and access plans.

District of Buckinghamshire	Claydon Road, Botolph Claydon	Alteration of layout including the provision of a permanent means of access at AS-A3 between points AC-A5 and AC-A6 shown shaded orange on sheet 6 of the streets, rights of way and access plans, and associated works between points A3 and A4 on sheet 6 of the streets, rights of way and access plans.
District of Buckinghamshire	Granborough Road, Hogshaw	Alteration of layout including the provision of a permanent means of access at AS-A1 between points AC-A1 and AC-A2 shown shaded orange on sheet 6 of the streets, rights of way and access plans, and associated works between points A5 and A6 on sheet 6 of the streets, rights of way and access plans.
District of Buckinghamshire	East Claydon Road, Winslow	Alteration of layout including the provision of a permanent passing place and a permanent means of access at AS-A8 between points AC-A15 and AC-A16 on sheet 7 on the streets, rights of way and access plans, and associated works between points A7 and A8 on sheet 7 of the streets, rights of way and access plans.
District of Buckinghamshire	Fidlers Field (also known as Snake Lane), Quainton	Alteration of layout including the provision of permanent road surface replacement and junction widening works between points A11 and A12 on sheet 8 of the streets, rights of way and access plans.
District of Buckinghamshire	Claydon Road, Quainton	Alteration of layout including the provision permanent of road widening and junction widening works between points A9 and A10 on sheet 8 of the streets, rights of way and access plans.

SCHEDULE 6

Articles 11, 12 and 13

STREETS AND PUBLIC RIGHTS OF WAY

PART 1

PUBLIC RIGHTS OF WAY TO BE PERMANENTLY STOPPED UP AND DIVERTED

(1) *Area*	*(2)* *Public right of way to be stopped up*	*(3)* *Extent of stopping up*	*(4)* *New public right of way to be substituted / provided*
District of Buckinghamshire	SCL/13/1 and SCL/13/2	For a distance of 1,210 metres between points PE-A7 and PE-A3 as shown on sheet 1 of the streets, access and rights of way plans.	New public footpath to be provided between points PE-A7, PE-A5 and PE-A4 and PE-A3 as shown by a cyan line on sheet 1 of the streets, rights of way and access plans.
District of Buckinghamshire	SCL/12/2	For a distance of 190 metres between points PE-A7 and point PE-A10 as shown on sheet 1 of the streets, access and rights of way plans.	New public footpath to be provided between points PE-A7, PE-A5 and its intersection with SCL/12/1 as shown by a cyan line on sheet 1 of the streets, rights of way and access plans.
District of Buckinghamshire	ECL/7/2	For a distance of 243 metres between points PE-A1 and PE-A2 as shown on sheet 4 of the streets, access and rights of way plans.	New public footpath to be provided between points PE-A1 and PE-A2 as shown by a cyan line on sheet 4 of the streets, rights of way and access plans.
District of Buckinghamshire	ECL/4/2	For a distance of 463 metres between points PE-A8 and PE-A9 as shown on sheet 7 of the streets, access and rights of way plans.	New public footpath to be provided between points PE-A8 and PE-A9 as shown by a cyan line on sheet 7 of the streets, rights of way and access plans.

PART 2

TEMPORARY MANAGEMENT OF PUBLIC RIGHTS OF WAY

(1) *Area*	*(2)* *Public right of way*	*(3)* *Measure*
District of Buckinghamshire	Public right of way SCL/12/1	Public right of way between points SW01 and SW02 as shown by a pink line on sheet 1 of the streets, rights of way and access plans to be managed during construction of the authorised development.
District of Buckinghamshire	Public right of way SCL/13/1 (proposed)	Public right of way between points SW40 and SW41 as shown by a pink line on sheet 1 of the streets, rights of way and access plans to be managed during construction of the authorised development.
District of Buckinghamshire	Public right of way SCL/13/2 (proposed)	Public right of way between points SW42 and SW43 as shown by a pink line on sheet 1 of the streets, rights of way and access plans to be managed during construction of the authorised development.
District of Buckinghamshire	Public right of way MCL/15/1	Public right of way between points SW07 and SW08 as shown by a pink line on sheets 3 and 4 of the streets, rights of way and access plans to be managed during construction of the authorised development.
District of Buckinghamshire	Public right of way ECL/9/1	Public right of way between points SW09 and SW10 as shown by a pink line on sheet 4 of the streets, rights of way and access plans to be managed during construction of the authorised development.
District of Buckinghamshire	Public right of way ECL/10/2	Public right of way between points SW11 and SW12 as shown by a pink line on sheet 4 of the streets, rights of way and access plans to be managed during construction of the authorised development.
District of Buckinghamshire	Public right of way ECL/8/1	Public right of way between points SW13 and SW14 as shown by a pink line on sheet 4 of the streets, rights of way and access plans to be managed during construction of the authorised development.
District of Buckinghamshire	Public right of way ECL/7/2	Public right of way between points SW15 and SW16 as shown by a pink line on sheets

		4 and 6 of the streets, rights of way and access plans to be managed during construction of the authorised development.
District of Buckinghamshire	Public right of way ECL/10/4	Public right of way between points SW17 and SW18 as shown by a pink line on sheet 4 of the streets, rights of way and access plans to be managed during construction of the authorised development.
District of Buckinghamshire	Public right of way QUA/38/1	Public right of way between points SW19 and SW20 as shown by a pink line on sheet 5 of the streets, rights of way and access plans to be managed during construction of the authorised development.
District of Buckinghamshire	Public right of way QUA/41/1	Public right of way between points SW21 and SW22 as shown by a pink line on sheet 5 of the streets, rights of way and access plans to be managed during construction of the authorised development.
District of Buckinghamshire	Public right of way ECL/6/1	Public right of way between points SW25 and SW26 as shown by a pink line on sheet 6 of the streets, rights of way and access plans to be managed during construction of the authorised development.
District of Buckinghamshire	Public right of way ECL/5/1	Public right of way between points SW27 and SW28 as shown by a pink line on sheets 6 and 7 of the streets, rights of way and access plans to be managed during construction of the authorised development.
District of Buckinghamshire	Public right of way ECL/4/1	Public right of way between points SW29 and SW30 as shown by a pink line on sheet 7 of the streets, rights of way and access plans to be managed during construction of the authorised development.
District of Buckinghamshire	Public right of way ECL/3/2	Public right of way between points SW30 and SW31 as shown by a pink line on sheet 7 of the streets, rights of way and access plans to be managed during construction of the authorised development.
District of Buckinghamshire	Public right of way ECL/3/1	Public right of way between points SW31 and SW32 as shown by a pink line on sheet 7 of the streets, rights of way and access plans to be

		managed during construction of the authorised development.
District of Buckinghamshire	Public right of way ECL/3A/1	Public right of way between points SW31 and SW33 as shown by a pink line on sheet 7 of the streets, rights of way and access plans to be managed during construction of the authorised development.
District of Buckinghamshire	Public right of way ECL/4/2 (proposed)	Public right of way between points SW30 and SW34 as shown by a pink line on sheet 7 of the streets, rights of way and access plans to be managed during construction of the authorised development.
District of Buckinghamshire	Public right of way QUA/22A/1 and QUA/24/1	Public rights of way to be managed during road reconstruction works where these public rights of way join or cross Fidlers Field (Snake Lane) between points A11 and A12 as shown on sheet 8 of the streets, rights of way and access plans.

SCHEDULE 7

Article 15

ACCESS TO WORKS

(1) *Area*	*(2)* *Street*	*(3)* *Description of means of access*
District of Buckinghamshire	Public right of way MCL/17/1	The provision of a permanent means of access to the authorised development between points AC-A13 and AC-A14 shown shaded orange on sheet 2 of the streets, rights of way and access plans.
District of Buckinghamshire	Three Points Lane, Botolph Claydon	The provision of a permanent means of access to the authorised development between points AC-A7 and AC-A8 shown shaded orange on sheet 3 of the streets, rights of way and access plans.
District of Buckinghamshire	Three Points Lane, Botolph Claydon	The provision of a permanent means of access to the authorised development between points AC-A9 and AC-A10 shown shaded orange on sheet 3 of the streets, rights of way and access plans.
District of Buckinghamshire	Three Points Lane, Botolph Claydon	The provision of a permanent means of access to the authorised development between points AC-A11 and AC-A12 shown shaded orange on sheet 3 of the streets, rights of way and access plans.
District of Buckinghamshire	Granborough Road, Hogshaw	The provision of a permanent means of access to the authorised development between points AC-A1 and AC-A2 shown shaded orange on sheet 6 of the streets, rights of way and access plans.
District of Buckinghamshire	Claydon Road, Botolph Claydon	The provision of a permanent means of access to the authorised development between points AC-A3 and AC-A4 shown shaded orange on sheet 6 of the streets, rights of way and access plans.
District of Buckinghamshire	Claydon Road, Botolph Claydon	The provision of a permanent means of access to the authorised development between points AC-A5 and AC-A6 shown shaded orange on sheet 6 of the streets, rights of way and access plans.
District of Buckinghamshire	East Claydon Road, Winslow	The provision of a permanent means of access to the authorised development

		between points AC-A15 and AC-A16 shown shaded orange on sheet 7 of the streets, rights of way and access plans.

SCHEDULE 8

Article 17

TRAFFIC REGULATION MEASURES

PART 1

TEMPORARY SPEED LIMITS

(1) *Area*	*(2)* *Road name, number and length*	*(3)* *Temporary speed limit*
District of Buckinghamshire	Three Points Lane From its connection with public right of way MCL/17/1 (TTM01) in a generally north-south direction to point TTM02 at its junction with Calvert Road for a distance of 1,320 metres and coloured black on sheets 2 and 3 of the traffic regulations plans.	20 miles per hour
District of Buckinghamshire	Claydon Road From its junction with Granborough Road (TTM04) in a generally north-westerly direction to point TTM03 for a distance of 325 metres and coloured black on sheet 6 of the traffic regulations plans.	40 miles per hour
District of Buckinghamshire	Granborough Road From its junction with Claydon Road (TTM05) in a generally easterly direction to point TTM06 for a distance of 900 metres and coloured black on sheet 6 of the traffic regulations plans.	40 miles per hour
District of Buckinghamshire	Claydon Road From its junction with Granborough Road (on either side of the road at TTM04 and TTM05) in a generally southerly direction to point TTM07 for a distance of 20 metres and coloured black on sheet 6 of the traffic regulations plans.	40 miles per hour
District of Buckinghamshire	Claydon Road From approximately 20 metres south-west from its junction with Granborough Road (TTM07) in a generally south-easterly direction to point TTM08 for a distance of 730 metres and coloured black on sheet 6 of the traffic regulations plans.	40 miles per hour

District of Buckinghamshire	East Claydon Road From approximately 235 metres east of the East Claydon Substation access junction (TTM10) for a distance of 185 metres in a generally north-easterly direction to TTM09 and including the passing places for the authorised development and coloured black on sheet 7 of the traffic regulations plans.	40 miles per hour
District of Buckinghamshire	Claydon Road From approximately 400 metres north-west of its junction with Fidlers Field (Snake Lane) (TTM11) for a distance of 310 metres in a generally north-westerly direction to TTM12 and coloured black on sheet 8 of the traffic regulations plans.	30 miles per hour
District of Buckinghamshire	Fidlers Field (Snake Lane) From its junction with Lee Road (TTM13) for a distance of 1,120 metres in a south-westerly direction of TTM14 and coloured black on sheet 8 of the traffic regulations plans.	30 miles per hour

PART 2

TEMPORARY TRAFFIC SIGNALS

(1) *Area*	*(2)* *Extent of temporary traffic signals*
District of Buckinghamshire	Three Points Lane An area of existing highway from its junction with Granborough Road (TTM02) in a generally south-westerly direction for a distance of 1,320 metres to TTM01 and including means of access to the authorised development and coloured black on sheets 2 and 3 of the traffic regulations plans.
District of Buckinghamshire	Claydon Road An area of existing highway from its junction with Granborough Road (TTM04) in a generally north-westerly direction for a distance of 325 metres to TTM03 and including means of access to the authorised development and coloured black on sheet 6 of the traffic regulations plans.
District of Buckinghamshire	Granborough Road An area of existing highway from its junction with Claydon Road (TTM05) in a generally easterly direction for a distance of 900 metres to TTM06 and including means of access to the

	authorised development and coloured black on sheet 6 of the traffic regulation plans.
District of Buckinghamshire	Claydon Road An area of existing highway from its junction with Granborough Road (TTM04 or TTM05) in a generally southerly direction for a distance of 20 metres to TTM07 and including means of access to the authorised development and coloured black on sheet 6 of the traffic regulation plans.
District of Buckinghamshire	Claydon Road An area of existing highway from a point 20 metres south-west of its junction with Granborough Road (TTM07) in a generally south-easterly direction for a distance of 730 metres to TTM08 and including means of access to the authorised development and coloured black on sheet 6 of the traffic regulation plans.
District of Buckinghamshire	East Claydon Road An area of existing highway from a point 235 metres east of the East Claydon Substation access junction (TTM10) in a generally north-easterly direction for a distance of 185 metres to TTM09 and including passing places and means of access to the authorised development and coloured black on sheet 7 of the traffic regulation plans.
District of Buckinghamshire	Claydon Road An area of existing highway from a point 400 metres north-west of its junction with Fidlers Field (Snake Lane) (TTM11) in a generally north-westerly for a distance of 310 metres direction to TTM12 and coloured black on sheet 8 of the traffic regulation plans.
District of Buckinghamshire	Fidlers Field (Snake Lane) An area of existing highway from its junction with Lee Road (TTM13) in a generally south-westerly direction for a distance of 1,120 metres to TTM14 and coloured black on sheet 8 of the traffic regulation plans.

SCHEDULE 9

Article 24

LAND IN WHICH ONLY NEW RIGHTS ETC. MAY BE ACQUIRED

Interpretation

1. In this Schedule—

"access rights" means rights over land to—

(a) alter, improve, form, maintain, retain, use (with or without vehicles, plant and machinery), remove, reinstate means of access to the authorised development including visibility splays and road widening or improvements and to remove impediments (including vegetation) to such access; and

(b) pass and repass on foot, with or without vehicles, plant and machinery (including rights to lay and use any temporary surface) for all purposes in connection with the authorised development;

"cable rights" means rights over land to—

(a) install, use, support, protect, inspect, alter, remove, replace, retain, renew, improve and maintain electrical underground cables, earthing cables, optical fibre cables, data cables, telecommunications cables and other services, works associated with such cables including bays, ducts, protection and safety measures and equipment, and other apparatus and structures;

(b) remain, pass and repass on foot, with or without vehicles, plant and machinery (including rights to lay and use any temporary surface or form a temporary compound) for all purposes in connection with the authorised development; and

(c) restrict and remove the erection of buildings or structures, restrict the altering of ground levels, restrict and remove vegetation and restrict the planting of trees or carrying out operations or actions (including but not limited to blasting and piling) which may obstruct, interrupt or interfere with the exercise of the rights or damage the authorised development;

"public right of way rights" means rights over land to—

(a) alter, improve, form, maintain, retain, use, reinstate public rights of way; and

(b) pass and repass on foot, without vehicles, for all purposes in connection with the use of the public rights of way;

"substation connection rights" means rights over land to—

(a) install, use, support, protect, inspect, alter, remove, replace, retain, renew, improve and maintain electrical cables, earthing cables, optical fibre cables, data cables, telecommunications cables and other services, works associated with such cables including bays, ducts, protection and safety measures and equipment, and other apparatus and structures and to connect such cables and services to the National Grid East Claydon Substation;

(b) install, use, support, protect, inspect, alter, remove, replace, retain, renew, improve and maintain watercourses, public sewers and drains and drainage apparatus and equipment;

(c) remain, pass and repass on foot, with or without vehicles, plant and machinery (including rights to lay and use any temporary surface or form a temporary compound) for all purposes in connection with the National Grid East Claydon Substation works;

(d) restrict and remove the erection of buildings or structures, restrict the altering of ground levels, restrict and remove the planting of trees or carrying out operations or actions (including but not limited to blasting and piling) which may obstruct, interrupt or interfere with the exercise of the rights or damage the authorised development; and

(e) install, use, support, protect, inspect, alter, remove, replace, retain, renew, improve and maintain soft landscaping and biodiversity measures; and

"vegetation maintenance rights" means rights over land to install, use, support, protect, inspect, alter, remove, replace, retain, renew, improve and maintain vegetation and restrict or prevent the removal of vegetation for the purposes of the authorised development and in connection with the authorised development.

(1) *Plot reference number shown on the Land Plans*	*(2)* *Purposes for which rights over land may be required and restrictive covenants imposed*

1/4	Cable rights
1/6	Cable rights
1/9	Cable rights
1/12	Calbe rights, access rights
1/14	Access rights
1/15	Access rights
2/2	Access rights
2/3	Access rights, vegetation maintenance rights
2/4	Access rights
2/6	Access rights
2/7	Access rights
3/1	Access rights
3/3	Access rights
3/4	Access rights
3/6	Access rights
3/9	Cable rights, access rights
3/10	Cable rights, access rights
3/11	Cable rights, access rights
3/13	Cable rights
3/14	Cable rights
3/15	Cable rights
3/16	Cable rights
3/17	Cable rights
3/18	Cable rights
4/1	Cable rights
4/2	Cable rights
4/3	Cable rights
4/6	Cable rights
6/3	Access Rights
6/4	Cable rights, highway works rights
6/5	Cable rights
6/6	Access rights, cable rights
6/7	Cable rights
6/10	Cable rights, access rights
6/11	Cable rights, access rights
6/12	Cable rights, access rights
7/1	Substation connection rights
7/2	Substation connection rights
7/4	Substation connection rights
7/5	Access rights, Substation connection rights
7/7	Substation connection rights
7/8	Substation connection rights

SCHEDULE 10

Article 24

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

Compensation enactments

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

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

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

(a) for the words "land is acquired or taken from" substitute "a right or restrictive covenant over land is purchased from or imposed on"; and

(b) for the words "acquired or taken from him" substitute "over which the right is exercisable or the restrictive covenant enforceable".

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

(2) In section 5A(5A) (relevant valuation date) of the 1961 Act, omit the words after "if—" and substitute—

"(a) the acquiring authority enters on land for the purpose of exercising a right in pursuant of a notice of entry under section 11(1) of the 1965 Act (as modified by paragraph 5(5) of Schedule 10 to the Rosefield Solar Farm Order 202*);

(b) the acquiring authority is subsequently required by a determination under paragraph 12 of Schedule 2A to the 1965 Act (as substituted by paragraph 5(8) of Schedule 10 to the Rosefield Solar Farm 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 Part 1 of the 1965 Act

4. Part 1 (compulsory purchase under Acquisition of Land Act 1946) of the 1965 Act, as applied by section 125 (application of compulsory acquisition provisions) of the 2008 Act to the acquisition of land under article 22 (compulsory acquisition of land) and as modified by article 29 (modification of Part 1 of the Compulsory Purchase Act 1965), applies to the compulsory acquisition of a right by the creation of a new right under article 24 (compulsory acquisition of rights)—

(a) with the modifications specified in paragraph 5; and

(b) with such other modifications as may be necessary.

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

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

(a) the right acquired or to be acquired, or the restriction imposed or to be imposed; or

(b) the land over which the right is or is to be exercisable, or the restriction is to be enforceable.

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

(**a**) 1973 c. 26.

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

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

(a) section 9(4) (refusal to convey, failure to make title, etc.);

(b) paragraph 10(3) of Schedule 1 (conveyance of the land or interest);

(c) paragraph 2(3) of Schedule 2 (absent and untraced owners); and

(d) paragraphs 2(3) and 7(2) of Schedule 4 (common land),

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

(5) Section 11 (a) (powers of entry) of the 1965 Act is modified to secure that, as from the date on which the acquiring authority has served notice to treat in respect of any right or restrictive covenant, as well as the notice of entry required by subsection (1) of that section (as it applies to compulsory acquisition under article 22 (compulsory acquisition of land)), 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 11A(b) (powers of entry: further notices of entry), 11B(c) (counter-notice requiring possession to be taken on specified date), 12(d) (unauthorised entry) and 13(e) (refusal to give possession to acquiring authority) of the 1965 Act are modified correspondingly.

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

(7) Section 22 (interests omitted from purchase) of the 1965 Act as modified by article 29(4) (modification of Part 1 of the Compulsory Purchase Act 1965) is so modified as to enable the acquiring authority, in circumstances corresponding to those referred to in that section, to continue to be entitled to exercise the right acquired or restrictive covenant imposed, subject to compliance with that section as respects compensation.

(8) For Schedule 2A to the 1965 Act (counter notice requiring purchase of land not in notice to treat) substitute—

"SCHEDULE 2A

COUNTER-NOTICE REQUIRING PURCHASE OF LAND

1.—(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 have not executed a general vesting declaration under section 4 of the 1981 Act as applied by article 26 (application of the 1981 Act) of the Rosefield Solar Farm Order 202* in respect of the land to which the notice to treat relates.

(**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), sections 186(2), 187(2) and 188 of, and paragraph 6 of Schedule 14 and paragraph 3 of Schedule 16 to, the Housing and Planning Act 2016 (c. 22) and S.I. 2009/1307.

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

(**c**) Section 11B was inserted by section 187(3) of the Housing and Planning Act 2016.

(**d**) Section 12 was amended by section 56(2) of, and Part 1 of Schedule 9 to, the Courts Act 1971 (c. 23) and paragraphs (2) and (4) of Schedule 16 to the Housing and Planning Act 2016.

(**e**) 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).

(**f**) Section 20 was amended by paragraph 4 of Schedule 15 to the Planning and Compensation Act 1991 (c. 34) and S.I. 2009/1307.

(2) But see article 27(3) (acquisition of subsoil only) of the Rosefield Solar Farm 202* which excludes the acquisition of subsoil only from this Schedule.

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

Counter-notice requiring purchase of land

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

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

Response to counter-notice

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

(a) withdraw the notice to treat,

(b) accept the counter notice, or

(c) refer the counter notice to the Upper Tribunal.

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

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

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

9. If the 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 the Upper Tribunal

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

(a) in the case of a house, building or factory; cause material detriment to the house, building or factory, or

(b) in the case of a park or garden, seriously affect the amenity or convenience of the house to which the park or garden belongs.

11. In making 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 authority ought to be required to take.

13. If the Upper Tribunal determines that the 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 authority ought to be required to take some or all of the house, building or factory, the authority may at any time within the period of six 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 they must pay the person on whom the notice was served compensation for any loss or expense cause by the giving and withdrawal of the notice.

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

SCHEDULE 11

Article 31

LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

(1) Plot reference number shown on the Land Plans	(2) Purpose for which temporary possession may be taken
3/2, 3/7, 3/8, 3/12, 8/1, 8/3, 8/4, 8/5, 8/6, 8/7, 8/8	Temporary use (including access) to carry out Work No. 9, (being works to the street or highway to facilitate access) and management of traffic and vegetation to facilitate the construction. Temporary use (including access) to carry out Work No. 10B (being internal access to mitigation areas).
6/8, 6/9	Temporary use (including access) to carry out Work No. 7 (being works for interconnecting cables). Temporary use (including access) to carry out Work No. 9, (being works to the street or highway to facilitate access) and management of traffic and vegetation to facilitate the construction. Temporary use (including access) to carry out Work No. 10A (being works to facilitate green and blue infrastructure).
7/10	Temporary use (including access) to carry out Work No. 9, (being works to the street or highway to facilitate access) and management of traffic and vegetation to facilitate the construction.

SCHEDULE 12

Article 40

HEDGEROWS TO BE REMOVED

PART 1

REMOVAL OF HEDGEROWS

(1) *Area*	*(2)* *Number of hedgerow and extent of removal*
Buckinghamshire	Removal of part of approximately 10m of hedgerow within the area identified by blue shading on Appendix 3B of the vegetation removal parameters, reference R1
Buckinghamshire	Removal of part of approximately 3.5m of hedgerow within the area identified by blue shading on Appendix 3B of the vegetation removal parameters, reference R2
Buckinghamshire	Removal of part of approximately 10m of hedgerow within the area identified by blue shading on Appendix 3B of the vegetation removal parameters, reference R6
Buckinghamshire	Removal of part of approximately 10m of hedgerow within the area identified by blue shading on Appendix 3B of the vegetation removal parameters, reference R7
Buckinghamshire	Removal of part of approximately 10m of hedgerow within the area identified by blue shading on Appendix 3B of the vegetation removal parameters, reference R12
Buckinghamshire	Removal of part of approximately 10m of hedgerow within the area identified by blue shading on Appendix 3B of the vegetation removal parameters, reference R16
Buckinghamshire	Removal of part of approximately 10m of hedgerow within the area identified by blue shading on Appendix 3B of the vegetation removal parameters, reference R17
Buckinghamshire	Removal of part of approximately 18m of hedgerow within the area identified by blue shading on Appendix 3C of the vegetation removal parameters, reference R21
Buckinghamshire	Removal of part of approximately 18m of hedgerow within the area identified by blue shading on Appendix 3C of the vegetation removal parameters, reference R23
Buckinghamshire	Removal of part of approximately 50m of hedgerow within the area identified by blue shading on Appendix 3C of the vegetation removal parameters, reference R24
Buckinghamshire	Removal of part of approximately 10m of hedgerow within the area identified by blue shading on Appendix 3C of the vegetation removal parameters, reference R27

Buckinghamshire	Removal of part of approximately 18m of hedgerow within the area identified by blue shading on Appendix 3C of the vegetation removal parameters, reference R28
Buckinghamshire	Removal of part of approximately 10m of hedgerow within the area identified by blue shading on Appendix 3C of the vegetation removal parameters, reference R30
Buckinghamshire	Removal of part of approximately 10m of hedgerow within the area identified by blue shading on Appendix 3C of the vegetation removal parameters, reference R31
Buckinghamshire	Removal of part of approximately 10m of hedgerow within the area identified by blue shading on Appendix 3C of the vegetation removal parameters, reference R33
Buckinghamshire	Removal of part of approximately 10m of hedgerow within the area identified by blue shading on Appendix 3C of the vegetation removal parameters, reference R34
Buckinghamshire	Removal of part of approximately 10m of hedgerow within the area identified by blue shading on Appendix 3C of the vegetation removal parameters, reference R35
Buckinghamshire	Removal of part of approximately 18m of hedgerow within the area identified by blue shading on Appendix 3C of the vegetation removal parameters, reference R38
Buckinghamshire	Removal of part of approximately 18m of hedgerow within the area identified by blue shading on Appendix 3C of the vegetation removal parameters, reference R39
Buckinghamshire	Removal of part of approximately 18m of hedgerow within the area identified by blue shading on Appendix 3C of the vegetation removal parameters, reference R40
Buckinghamshire	Removal of part of approximately 47.6m of hedgerow within the area identified by blue shading on Appendix 3C of the vegetation removal parameters, reference R43
Buckinghamshire	Removal of part of approximately 19m of hedgerow within the area identified by blue shading on Appendix 3C of the vegetation removal parameters, reference R46
Buckinghamshire	Removal of part of approximately 35m of hedgerow within the area identified by blue shading on Appendix 3C of the vegetation removal parameters, reference R50
Buckinghamshire	Removal of part of approximately 23m of hedgerow within the area identified by blue shading on Appendix 3D of the vegetation removal parameters, reference R51
Buckinghamshire	Removal of part of approximately 17m of hedgerow within the area identified by blue shading on Appendix 3D of the vegetation

	removal parameters, reference R56
Buckinghamshire	Removal of part of approximately 25.7m of hedgerow within the area identified by blue shading on Appendix 3D of the vegetation removal parameters, reference R57
Buckinghamshire	Removal of part of approximately 57m of hedgerow within the area identified by blue shading on Appendix 3D of the vegetation removal parameters, reference R62
Buckinghamshire	Removal of part of approximately 6m of hedgerow within the area identified by blue shading on Appendix 3B of the vegetation removal parameters, reference R63
Buckinghamshire	Removal of part of approximately 40.66m of hedgerow within the area identified by blue shading on Appendix 3C of the vegetation removal parameters, reference R64
Buckinghamshire	Removal of part of approximately 44.13m of hedgerow within the area identified by blue shading on Appendix 3C of the vegetation removal parameters, reference R66
Buckinghamshire	Removal of part of approximately 37.55m of hedgerow within the area identified by blue shading on Appendix 3C of the vegetation removal parameters, reference R67
Buckinghamshire	Removal of part of approximately 12.5m of hedgerow within the area identified by blue shading on Appendix 3D of the vegetation removal parameters, reference R72
Buckinghamshire	Removal of part of approximately 12.5m of hedgerow within the area identified by blue shading on Appendix 3D of the vegetation removal parameters, reference R73
Buckinghamshire	Removal of part of approximately 161.49m of hedgerow within the area identified by blue shading on Appendix 3E of the vegetation removal parameters, reference R81

PART 2

REMOVAL OF IMPORTANT HEDGEROWS

(1) *Area*	*(2)* *Number of hedgerow and extent of removal*
Buckinghamshire	Removal of part of approximately 10m of hedgerow within the area identified by orange shading on Appendix 3B of the vegetation removal parameters, reference R3
Buckinghamshire	Removal of part of approximately 4m of hedgerow within the area identified by orange shading on Appendix 3B if the vegetation removal parameters, reference R4
Buckinghamshire	Removal of part of approximately 10m of hedgerow within the area identified by orange

	shading on Appendix 3B if the vegetation removal parameters, reference R5
Buckinghamshire	Removal of part of approximately 10m of hedgerow within the area identified by orange shading on Appendix 3B of the vegetation removal parameters, reference R8
Buckinghamshire	Removal of part of approximately 4m of hedgerow within the area identified by orange shading on Appendix 3B of the vegetation removal parameters, reference R9
Buckinghamshire	Removal of part of approximately 5m of hedgerow within the area identified by orange shading on Appendix 3B of the vegetation removal parameters, reference R10
Buckinghamshire	Removal of part of approximately 10m of hedgerow within the area identified by orange shading on Appendix 3B of the vegetation removal parameters, reference R11
Buckinghamshire	Removal of part of approximately 4m of hedgerow within the area identified by orange shading on Appendix 3B of the vegetation removal parameters, reference R13
Buckinghamshire	Removal of part of approximately 10m of hedgerow within the area identified by orange shading on Appendix 3B of the vegetation removal parameters, reference R14
Buckinghamshire	Removal of part of approximately 4m of hedgerow within the area identified by orange shading on Appendix 3B of the vegetation removal parameters, reference R15
Buckinghamshire	Removal of part of approximately 18m of hedgerow within the area identified by orange shading on Appendix 3B of the vegetation removal parameters, reference R18
Buckinghamshire	Removal of part of approximately 40.5m of hedgerow within the area identified by orange shading on Appendix 3B of the vegetation removal parameters, reference R19
Buckinghamshire	Removal of part of approximately 10m of hedgerow within the area identified by orange shading on Appendix 3B of the vegetation removal parameters, reference R20
Buckinghamshire	Removal of part of approximately 18m of hedgerow within the area identified by orange shading on Appendix 3C of the vegetation removal parameters, reference R22
Buckinghamshire	Removal of part of approximately 18m of hedgerow within the area identified by orange shading on Appendix 3C of the vegetation removal parameters, reference R25
Buckinghamshire	Removal of part of approximately 18m of hedgerow within the area identified by orange shading on Appendix 3C of the vegetation removal parameters, reference R26
Buckinghamshire	Removal of part of approximately 10 m of

	hedgerow within the area identified by orange shading on Appendix 3C of the vegetation removal parameters, reference R29
Buckinghamshire	Removal of part of approximately 10m of hedgerow within the area identified by orange shading on Appendix 3C of the vegetation removal parameters, reference R32
Buckinghamshire	Removal of part of approximately 10m of hedgerow within the area identified by orange shading on Appendix 3C of the vegetation removal parameters, reference R36
Buckinghamshire	Removal of part of approximately 18m of hedgerow within the area identified by orange shading on Appendix 3C of the vegetation removal parameters, reference R37
Buckinghamshire	Removal of part of approximately 35m of hedgerow within the area identified by orange shading on Appendix 3C of the vegetation removal parameters, reference R41
Buckinghamshire	Removal of part of approximately 10m of hedgerow within the area identified by orange shading on Appendix 3C of the vegetation removal parameters, reference R42
Buckinghamshire	Removal of part of approximately 25m of hedgerow within the area identified by orange shading on Appendix 3D of the vegetation removal parameters, reference R44
Buckinghamshire	Removal of part of approximately 78.5m of hedgerow within the area identified by orange shading on Appendix 3D of the vegetation removal parameters, reference R45
Buckinghamshire	Removal of part of approximately 27m of hedgerow within the area identified by orange shading on Appendix 3C of the vegetation removal parameters, reference R47
Buckinghamshire	Removal of part of approximately 35m of hedgerow within the area identified by orange shading on Appendix 3C of the vegetation removal parameters, reference R48
Buckinghamshire	Removal of part of approximately 35m of hedgerow within the area identified by orange shading on Appendix 3C of the vegetation removal parameters, reference R49
Buckinghamshire	Removal of part of approximately 42m of hedgerow within the area identified by orange shading on Appendix 3D of the vegetation removal parameters, reference R52
Buckinghamshire	Removal of part of approximately 51.5m of hedgerow within the area identified by orange shading on Appendix 3D of the vegetation removal parameters, reference R53
Buckinghamshire	Removal of part of approximately 33.6m of hedgerow within the area identified by orange shading on Appendix 3D of the vegetation removal parameters, reference R54

Buckinghamshire	Removal of part of approximately 47.8m of hedgerow within the area identified by orange shading on Appendix 3D of the vegetation removal parameters, reference R55
Buckinghamshire	Removal of part of approximately 15.35m of hedgerow within the area identified by orange shading on Appendix 3D of the vegetation removal parameters, reference R58
Buckinghamshire	Removal of part of approximately 10m of hedgerow within the area identified by orange shading on Appendix 3D of the vegetation removal parameters, reference R59
Buckinghamshire	Removal of part of approximately 291.8m of hedgerow within the area identified by orange shading on Appendix 3D of the vegetation removal parameters, reference R60
Buckinghamshire	Removal of part of approximately 10m of hedgerow within the area identified by orange shading on Appendix 3D of the vegetation removal parameters, reference R61
Buckinghamshire	Removal of part of approximately 43.43m of hedgerow within the area identified by orange shading on Appendix 3C of the vegetation removal parameters, reference R65
Buckinghamshire	Removal of part of approximately 21.33m of hedgerow within the area identified by orange shading on Appendix 3D of the vegetation removal parameters, reference R68
Buckinghamshire	Removal of part of approximately 7.26m of hedgerow within the area identified by orange shading on Appendix 3D of the vegetation removal parameters, reference R69
Buckinghamshire	Removal of part of approximately 25m of hedgerow within the area identified by orange shading on Appendix 3D of the vegetation removal parameters, reference R70
Buckinghamshire	Removal of part of approximately 20m of hedgerow within the area identified by orange shading on Appendix 3D of the vegetation removal parameters, reference R71
Buckinghamshire	Removal of part of approximately 3.6m of hedgerow within the area identified by orange shading on Appendix 3C of the vegetation removal parameters, reference R74
Buckinghamshire	Removal of part of approximately 5m of hedgerow within the area identified by orange shading on Appendix 3C of the vegetation removal parameters, reference R75
Buckinghamshire	Removal of part of approximately 5m of hedgerow within the area identified by orange shading on Appendix 3C of the vegetation removal parameters, reference R76
Buckinghamshire	Removal of part of approximately 5m of hedgerow within the area identified by orange shading on Appendix 3D of the vegetation

	removal parameters, reference R77
Buckinghamshire	Removal of part of approximately 5m of hedgerow within the area identified by orange shading on Appendix 3D of the vegetation removal parameters, reference R78
Buckinghamshire	Removal of part of approximately 5m of hedgerow within the area identified by orange shading on Appendix 3D of the vegetation removal parameters, reference R79
Buckinghamshire	Removal of part of approximately 5m of hedgerow within the area identified by orange shading on Appendix 3D of the vegetation removal parameters, reference R80
Buckinghamshire	Removal of part of approximately 1m of hedgerow within the area identified by orange shading on Appendix 3B of the vegetation removal parameters, reference R82

SCHEDULE 13

Article 42

DOCUMENTS AND PLANS TO BE CERTIFIED

(1) *Document name*	*(2)* *Document reference*	*(3)* *Revision number*	*(4)* *Date*
book of reference	EN010158/APP/4.3.2	2	March 2026
design commitments	EN010158/APP/5.9.3	3	March 2026
draft archaeological management strategy	EN010158/APP/7.10.3	3	April 2026
environmental statement (excluding chapters 3, 7, 11, 12, 13, 16, 17) figures 1.1, 2.4, 3.1, 3.7, 3.8, 3.10, 9.1a-v, 9.2a-ii, 9.3a-bbb, 9.4a-d, 10.13, 11.3, 12.1, 13.1, 17.2, 17.8a-17.8b, 17.9a-17.9b)	EN010158/APP/6.1	1	September 2025
environmental statement chapter 3	EN010158/APP/6.1.2	2	March 2026
environmental statement chapter 7	EN010158/APP/6.2.3	3	April 2026
environmental statement chapter 11	EN010158/APP/6.2.3	3	April 2026
environmental statement chapter 12	EN010158/APP/6.2.2	2	April 2026
environmental statement chapter 13	EN010158/APP/6.2.2	2	March 2026
environmental statement chapter 16	EN010158/APP/6.2.2	2	March 2026
environmental statement chapter 17	EN010158/APP/6.2.2	2	March 2026
environmental statement figure 1.1	EN010158/APP/6.3.2	2	April 2026
environmental statement figure 2.4	EN010158/APP/6.3.2	2	October 2025
environmental statement figure 3.1	EN010158/APP/6.3.2	2	October 2025
environmental statement figure 3.7	EN010158/APP/6.3.3	3	March 2026
environmental statement figure 3.8	EN010158/APP/6.3.2	2	October 2025
environmental statement figure 3.10	EN010158/APP/6.3.3	3	March 2026
environmental statement figure 9.1a-v	EN010158/APP/6.3.2	2	January 2026
environmental statement figure 9.2a-ii	EN010158/APP/6.3.2	2	January 2026
environmental statement figure 9.3a-bbb	EN010158/APP/6.3.2	2	January 2026

environmental statement figure 9.4a-d	EN010158/APP/6.3.2	2	January 2026
environmental statement figure 10.13	EN010158/APP/6.3.2	2	January 2026
environmental statement figure 11.3	EN010158/APP/6.3.2	2	March 2026
environmental statement figure 12.1	EN010158/APP/6.3.2	2	October 2025
environmental statement figure 13.1	EN010158/APP/6.3.2	2	March 2026
environmental statement figure 17.2	EN010158/APP/6.3.2	2	March 2026
environmental statement figures 17.8a – 17.8b	EN010158/APP/6.3.2	2	March 2026
environmental statement figures 17.9a – 17.9b	EN010158/APP/6.3.2	2	March 2026
land plans	EN010158/APP/2.2.3	3	March 2026
outline battery safety management plan	EN010158/APP/7.9.2	2	March 2026
outline construction environmental management plan	EN010158/APP/7.2.3	3	April 2026
outline construction traffic management plan	EN010158/APP/7.5.3	3	April 2026
outline decommissioning environmental management plan	EN010158/APP/7.4.3	3	April 2026
outline drainage strategy	EN010158/APP/7.11.3	3	April 2026
outline employment, skills and supply chain plan	EN010158/APP/7.14.3	3	April 2026
outline landscape and ecological management plan	EN010158/APP/7.6.2	2	March 2026
outline operational environmental management plan	EN010158/APP/7.3.3	3	April 2026
outline rights of way and access strategy	EN010158/APP/7.8.3	3	April 2026
outline soil management plan	EN010158/APP/7.7.3	3	April 2026
streets, rights of way and access plans	EN010158/APP/2.4.3	3	March 2026
traffic regulations plans	EN010158/APP/2.5.2	2	October 2025
vegetation removal parameters	EN010158/APP/7.6 (appendix 3 of the outline landscape and ecological management plan)	1	September 2025
works plans	EN010158/APP/2.3.3	3	March 2026

SCHEDULE 14

Article 43

ARBITRATION RULES

Commencing an arbitration

1. The arbitration is deemed to have commenced when a party ("the claimant") serves a written notice of arbitration on the other party ("the respondent").

Time periods

2.—(1) All time periods in these arbitration rules are measured in days and include weekends, but not bank or public holidays.

(2) Time periods are calculated from the day after the arbitrator is appointed which is either—

(a) the date the arbitrator notifies the parties in writing of their acceptance of an appointment by agreement of the parties; or

(b) the date the arbitrator is appointed by the Secretary of State.

Timetable

3.—(1) The timetable for the arbitration is that which is set out in sub-paragraphs (2) to (4) below unless amended in accordance with paragraph 5(3).

(2) Within 14 days of the arbitrator being appointed, the claimant must provide both the respondent and the arbitrator with—

(a) a written statement of claim which describes the nature of the difference between the parties, the legal and factual issues, the claimant's contentions as to those issues, the amount of its claim or the remedy it is seeking;

(b) all statements of evidence and copies of all documents on which it relies, including contractual documentation, correspondence (including electronic documents), legal precedents and expert witness reports.

(3) Within 14 days of receipt of the claimant's statements under sub-paragraph (2) by the arbitrator and respondent, the respondent must provide the claimant and the arbitrator with—

(a) a written statement of defence consisting of a response to the claimant's statement of claim, its statement in respect of the nature of the difference, the legal and factual issues in the claimant's claim, its acceptance of any elements of the claimant's claim and its contentions as to those elements of the claimant's claim it does not accept;

(b) all statements of evidence and copies of all documents on which it relies, including contractual documentation, correspondence (including electronic documents), legal precedents and expert witness reports;

(c) any objection it wishes to make to the claimant's statements, comments on the claimant's expert reports (if submitted by the claimant) and explanations of the objections.

(4) Within seven days of the respondent serving its statements under sub-paragraph (3), the claimant may make a statement of reply by providing both the respondent and the arbitrator with—

(a) a written statement responding to the respondent's submissions, including its reply in respect of the nature of the difference, the issues (both factual and legal) and its contentions in relation to the issues;

(b) all statements of evidence and copies of documents in response to the respondent's submissions;

(c) any expert report in response to the respondent's submissions;

(d) any objections to the statements of evidence, expert reports or other documents submitted by the respondent; and

(e) its written submissions in response to the legal and factual issues involved.

Procedure

4.—(1) The parties' pleadings, witness statements and expert reports (if any) must be concise. A single pleading must not exceed 30 single-sided A4 pages using 10pt Arial font.

(2) The arbitrator will make an award on the substantive differences based solely on the written material submitted by the parties unless the arbitrator decides that a hearing is necessary to explain or resolve any matters.

(3) Either party may, within two days of delivery of the last submission, request a hearing giving specific reasons why it considers a hearing is required.

(4) Within seven days of receiving the last submission, the arbitrator must notify the parties whether a hearing is to be held and the length of that hearing.

(5) Within ten days of the arbitrator advising the parties that a hearing is to be held, the date and venue for the hearing are to be fixed by agreement with the parties, save that if there is no agreement the arbitrator must direct a date and venue which the arbitrator considers is fair and reasonable in all the circumstances. The date for the hearing must not be less than 35 days from the date of the arbitrator's direction confirming the date and venue of the hearing.

(6) A decision must be made by the arbitrator on whether there is any need for expert evidence to be submitted orally at the hearing. If oral expert evidence is required by the arbitrator, then any experts attending the hearing may be asked questions by the arbitrator.

(7) There is to be no examination or cross-examination of experts, but the arbitrator must invite the parties to ask questions of the experts by way of clarification of any answers given by the experts in response to the arbitrator's questions. Prior to the hearing in relation to the experts—

(a) at least 28 days before a hearing, the arbitrator must provide a list of issues to be addressed by the experts;

(b) if more than one expert is called, they will jointly confer and produce a joint report or reports within 14 days of the issues being provided; and

(c) the form and content of a joint report must be as directed by the arbitrator and must be provided at least seven days before the hearing.

(8) Within 14 days of a hearing or a decision by the arbitrator that no hearing is to be held the parties may by way of exchange provide the arbitrator with a final submission in connection with the matters in dispute and any submissions on costs. The arbitrator must take these submissions into account in the award.

(9) The arbitrator may make other directions or rulings as considered appropriate in order to ensure that the parties comply with the timetable and procedures to achieve an award on the substantive difference within four months of the date on which the arbitrator is appointed, unless both parties otherwise agree to an extension to the date for the award.

(10) If a party fails to comply with the timetable, procedure or any other direction then the arbitrator may continue in the absence of a party or submission or document, and may make a decision on the information before the arbitrator attaching the appropriate weight to any evidence submitted beyond any timetable or in breach of any procedure or direction.

(11) The arbitrator's award must include reasons. The parties must accept that the extent to which reasons are given must be proportionate to the issues in dispute and the time available to the arbitrator to deliver the award.

Arbitrator's powers

5.—(1) The arbitrator has all the powers of the Arbitration Act 1996, save where modified in this Schedule.

(2) There must be no discovery or disclosure, except that the arbitrator is to have the power to order the parties to produce such documents as are reasonably requested by another party no later than the statement of reply, or by the arbitrator, where the documents are manifestly relevant, specifically identified and the burden of production is not excessive. Any application and orders should be made by way of a Redfern Schedule without any hearing.

(3) Any time limits fixed in accordance with this procedure or by the arbitrator may be varied by agreement between the parties, subject to any such variation being acceptable to and approved by the arbitrator. In the absence of agreement, the arbitrator may vary the timescales or procedure—

(a) if the arbitrator is satisfied that a variation of any fixed time limit is reasonably necessary to avoid a breach of the rules of natural justice and then;

(b) only for such a period that is necessary to achieve fairness between the parties.

(4) On the date the award is made, the arbitrator will notify the parties that the award is completed, signed and dated, and that it will be issued to the parties on receipt of cleared funds for the arbitrator's fees and expenses.

Costs

6.—(1) The costs of the arbitration must include the fees and expenses of the arbitrator, the reasonable fees and expenses of any experts and the reasonable legal and other costs incurred by the parties for the arbitration.

(2) Where the difference involves connected or interrelated issues, the arbitrator must consider the relevant costs collectively.

(3) The final award must fix the costs of the arbitration and decide which of the parties are to bear them or in what proportion they are to be borne by the parties.

(4) The arbitrator must award recoverable costs on the general principle that each party should bear its own costs, having regard to all material circumstances, including such matters as exaggerated claims or defences, the degree of success for different elements of the claims, claims that have incurred substantial costs, the conduct of the parties and the degree of success of a party.

Confidentiality

7.—(1) Subject to sub-paragraphs (2) and (3), any arbitration hearing and documentation will be open and accessible by the public.

(2) The arbitrator may direct that the whole or part of a hearing is to be private or any documentation to be confidential where it is necessary in order to protect commercially sensitive information.

(3) Nothing in this paragraph will prevent any disclosure of a document by a party pursuant to an order of a court in England and Wales or where disclosure is required under any enactment.

SCHEDULE 15

Article 44

PROTECTIVE PROVISIONS

PART 1

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

1. For the protection of the utility undertakers referred to in this Part of this Schedule (save for any utility undertakers which are specifically protected by any other Part of this Schedule, which will take precedence), the following provisions have effect, unless otherwise agreed in writing between the undertaker and the utility undertakers 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 not less efficient than previously;

"apparatus" means—

(a) in the case of an electricity undertaker, electric lines or electrical plant (as defined in the Electricity Act 1989(a)), belonging to or maintained by that utility undertaker;

(b) in the case of a gas undertaker, any mains, pipes or other apparatus belonging to or maintained by a gas transporter for the purposes of gas supply;

(c) in the case of a water undertaker—

(i) mains, pipes or other apparatus belonging to or maintained by that utility undertaker for the purposes of water supply; and

(ii) any water mains or service pipes (or part of a water main or service pipe) that is the subject of an agreement to adopt made under section 51A of the Water Industry Act 1991;

(d) in the case of a sewerage undertaker—

(i) any drain or works vested in the utility undertaker under the Water Industry Act 1991(b); and

(ii) any sewer which is so vested or is the subject of a notice of intention to adopt given under section 102(4) of that Act or an agreement to adopt made under section 104 of that Act,

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

(e) any other mains, pipelines or cables that are not the subject of the protective provisions in Parts 2 to 6 of this Schedule;

"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; and

"utility undertaker" means—

(a) any licence holder within the meaning of Part 1 of the Electricity Act 1989;

(b) a gas transporter within the meaning of Part 1 of the Gas Act 1986(c);

(c) water undertaker within the meaning of the Water Industry Act 1991;

(d) a sewerage undertaker within the meaning of Part 1 of the Water Industry Act 1991, and

(e) an owner or operator of apparatus within paragraph (e) of the definition of that term,

for the area of the authorised development, and in relation to any apparatus, means the utility undertaker to whom it belongs or by whom it is maintained.

(**a**) 1989 c. 29.
(**b**) 1991 c. 56.
(**c**) 1986 c. 44. A new section 7 was substituted by section 5 of the Gas Act 1995 (c. 45), and was further amended by section 76 of the Utilities Act 2000 (c. 27).

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 of the 1991 Act.

4. Regardless of the temporary prohibition or restriction of use of streets under the powers conferred by article 12 (temporary prohibition or restriction on use of streets and public rights of way), a utility undertaker is at liberty at all times to take all necessary access across any such street and to execute and do all such works and things in, upon or under any such street as may be reasonably necessary or desirable to enable it to maintain any apparatus which at the time of the prohibition or restriction was in that street.

5. 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.

6.—(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 over which access to any apparatus is enjoyed 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 and to gain access to it must not be extinguished, until alternative apparatus has been constructed and is in operation, and access to it has been provided, to the reasonable satisfaction of the utility undertaker in question in accordance with sub-paragraphs (2) to (7).

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

(3) If alternative apparatus or any part of such apparatus is to be constructed elsewhere than in other land of the undertaker, or the undertaker is unable to afford such facilities and rights as are mentioned in sub-paragraph (2), in the land in which the alternative apparatus or part of such apparatus is to be constructed, the utility undertaker in question must, on receipt of a written notice to that effect from the undertaker, as soon as reasonably possible use reasonable 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 43 (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 43 (arbitration), and after the grant to the utility undertaker of any such facilities and rights as are referred to in sub-paragraph (2) or (3), proceed without unnecessary delay to construct and bring into operation the alternative apparatus and subsequently to remove any apparatus required by the undertaker to be removed under the provisions of this Part of this Schedule.

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

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

7.—(1) Where, in accordance with the provisions of this Part of this Schedule, the undertaker affords to a utility undertaker facilities and rights for the construction and maintenance in land of the undertaker of alternative apparatus in substitution for apparatus to be removed, those facilities and rights must be granted upon such terms and conditions as may be agreed between the undertaker and the utility undertaker in question or in default of agreement settled by arbitration in accordance with article 43 (arbitration).

(2) If the facilities and rights to be afforded by the undertaker in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted, are in the opinion of

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

8.—(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 6(2), the undertaker must submit to the utility undertaker in question a plan, section and description of the works to be executed.

(2) Those works must be executed only in accordance with the plan, section and description submitted under sub-paragraph (1) and in accordance with such reasonable requirements as may be made in accordance with sub-paragraph (3) by the 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, section and description under sub-paragraph (1) are 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 7 apply as if the removal of the apparatus had been required by the undertaker under paragraph 6(2).

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

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

9.—(1) Subject to the following provisions of this paragraph, the undertaker must repay to a utility undertaker the reasonable expenses 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 6(2).

(2) There is to 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,

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 43 (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) is to be reduced by the amount of that excess.

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

(a) an extension of apparatus to a length greater than the length of existing apparatus is not to be treated as a placing of apparatus of greater dimensions than those of the existing apparatus where such extension is required in consequence of the execution of any such works as are referred to in paragraph 6(2); and

(b) where the provision of a joint in a cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole is to be treated as if it also had been agreed or had been so determined.

(5) An amount which apart from this sub-paragraph would be payable to a 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.

10.—(1) Subject to sub-paragraphs (2) and (3), if by reason or in consequence of the construction of any of the works referred to in paragraph 6(2), any damage is caused to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works) or property of a utility undertaker, or there is any interruption in any service provided, or in the supply of any goods, by any utility undertaker, the undertaker must—

(a) bear and pay the cost reasonably incurred by that utility undertaker in making good such damage or restoring the supply; and

(b) make reasonable compensation to that utility undertaker for any other expenses, loss, damages, penalty or costs incurred by the utility undertaker,

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

(2) 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.

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

11. Nothing in this Part of this Schedule affects the provisions of any enactment or agreement regulating the relations between the undertaker and a utility undertaking 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

12.—(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(a);

"electronic communications apparatus" has the same meaning as in the electronic communications code;

"the electronic communications code" has the same meaning as in section 106 (application of the electronic communications code) of the 2003 Act;

"electronic communications code network" means—

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

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

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

"operator" means the operator of an electronic communications code network.

(**a**) 2003 c. 21.

13. The exercise of the powers of article 33 (statutory undertakers) is subject to Part 10 (undertakers' works affecting electronic communications apparatus) of the electronic communications code.

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

(4) Any difference arising between the undertaker and the operator under this Part of this Schedule must be referred to and settled by arbitration under article 43 (arbitration).

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

(a) any apparatus in respect of which the relations between the undertaker and an operator are regulated by the provisions of Part 3 (street works in England and Wales) of the 1991 Act; or

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

16. 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 DRAINAGE AUTHORITIES

17. The provisions of this Part of this Schedule have effect for the protection of the drainage authority unless otherwise agreed in writing between the undertaker and the drainage authority.

18. In this Part of this Schedule—

"authorised development" has the same meaning as in article 2 (interpretation) of this Order and (unless otherwise specified) for the purposes of this Part of this Schedule includes the operation and maintenance of the authorised development and the construction of any works authorised by this Part of this Schedule;

"construction" includes execution, placing, altering, replacing, relaying and removal, and "construct" and "constructed" must be construed accordingly;

"drainage authority" means in relation to an ordinary watercourse—

(a) the drainage board concerned within the meaning of section 23 (prohibition on obstructions etc. in watercourses) of the Land Drainage Act 1991; or

(b) in the case of any area for which there is no such drainage board, the lead local flood authority within the meaning of section 6 (other definitions) of the Flood and Water Management Act 2010;

"drainage work" means any ordinary watercourse and includes any bank, wall, embankment or other structure, or any appliance constructed for land drainage or flood defence which is the responsibility of the drainage authority;

"ordinary watercourse" has the meaning given by section 72 (interpretation) of the Land Drainage Act 1991;

"plans" includes sections, drawings, specifications and method statements;

"specified work" means so much of the authorised development as is in, on, under, over or within 8 metres of a drainage work or is otherwise likely to affect the flow of water in any watercourse.

19.—(1) Before commencing construction of a specified work, the undertaker must submit to the drainage authority plans of the specified work and such further particulars available to it as the drainage authority may reasonably require within 14 days of the submission of the plans.

(2) A specified work must not be constructed except in accordance with such plans as may be approved in writing by the drainage authority or determined under paragraph 25.

(3) Any approval of the drainage authority required under this paragraph—

(a) must not be unreasonably withheld or delayed;

(b) is deemed to have been given if it is neither given nor refused within 28 days of the submission of the plans for approval, or submission of further particulars (where required by the drainage authority under sub-paragraph (1)) whichever is the later; and

(c) may be given subject to such reasonable requirements as the drainage authority may make for the protection of any drainage work taking into account the terms of this Order.

(4) Any refusal under this paragraph must be accompanied by a statement of the reasons for refusal.

20. Without limiting the scope of paragraph 19, the requirements which the drainage authority may make under that paragraph include conditions requiring the undertaker at its own expense to construct such protective works, whether temporary or permanent, during the construction of the specified work (including the provision of flood banks, walls or embankments or other new works and the strengthening, repair or renewal of existing banks, walls or embankments) as are reasonably necessary taking account of the terms of this Order—

(a) to safeguard any drainage work against damage by reason of any specified work; or

(b) to secure that the efficiency of any drainage work for flood defence and land drainage purposes is not impaired, and that the risk of flooding is not otherwise increased beyond the level of flood risk that was assessed in the environmental statement, by reason of any specified work.

21.—(1) Subject to sub-paragraph (2), any specified work, and all protective works required by the drainage authority under paragraph 20, must be constructed—

(a) without unreasonable delay in accordance with the plans approved or deemed to have been approved or settled under this Part of this Schedule; and

(b) to the reasonable satisfaction of the drainage authority,

and an officer of the drainage authority is entitled to watch and inspect the construction of such works.

(2) The undertaker must give to the drainage authority—

(a) not less than 14 days' notice in writing of its intention to commence construction of any specified work; and

(b) notice in writing of its completion not later than seven days after the date on which it is brought into use.

22. If by reason of the construction of a specified work or of the failure of any a specified work the efficiency of any drainage work for flood defence purposes or land drainage is impaired, or that drainage work is otherwise damaged, the impairment or damage must be made good by the undertaker as soon as reasonably practicable to the reasonable satisfaction of the drainage authority and, if the undertaker fails to do so, the drainage authority may make good the impairment or damage and recover from the undertaker the expense reasonably incurred by it in doing so.

23. The undertaker must make reasonable compensation for costs, charges and expenses which the drainage authority may reasonably incur—

(a) in the examination or approval of plans under this Part of this Schedule;

(b) in inspecting the construction of the specified work or any protective works required by the drainage authority under this Part of this Schedule; and

(c) in carrying out any surveys or tests by the drainage authority which are reasonably required in connection with the construction of the specified work.

24.—(1) The undertaker must make reasonable compensation for liabilities, costs and losses which may be reasonably incurred or suffered by reason of—

(a) the construction of any specified works comprised within the authorised development; or

(b) any act or omission of the undertaker, its employees, contractors or agents or others while engaged upon the construction of the authorised development.

(2) The drainage authority must give to the undertaker reasonable notice of any such claim or demand.

(3) The undertaker may at its own expense conduct all negotiations for the settlement of the same and any litigation that may arise therefrom.

(4) The drainage authority must not compromise or settle any such claim or make any admission which might be prejudicial to the claim without the agreement of the undertaker which agreement must not be unreasonably withheld or delayed.

(5) The drainage authority will, having regard to its statutory functions, at all times take reasonable steps to prevent and mitigate any such claims, demands, proceedings, costs, damages, expenses or loss.

(6) The drainage authority will, at the request of the undertaker and having regard to its statutory functions, afford all reasonable assistance for the purpose of contesting any such claim or action, and is entitled to be repaid its reasonable expenses reasonably incurred in so doing.

(7) The fact that any work or thing has been executed or done by the undertaker in accordance with a plan approved or deemed to be approved by the drainage authority, or to its satisfaction, or in accordance with any directions or award of an arbitrator, does not relieve the undertaker from any liability under this Part of this Schedule.

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

25. Any dispute arising between the undertaker and the drainage authority under this Part of this Schedule, if the parties agree, is to be determined by arbitration under article 43 (arbitration).

PART 4

FOR THE PROTECTION OF BUCKINGHAM AND RIVER OUZEL INTERNAL DRAINAGE BOARD

26. The provisions of this Part of this Schedule have effect for the protection of the Buckingham and River Ouzel Internal Drainage Board unless otherwise agreed in writing between the undertaker and the Buckingham and River Ouzel Internal Drainage Board.

27. In this Part of this Schedule—

"authorised development" has the same meaning as in article 2 (interpretation) of this Order and (unless otherwise specified) for the purposes of this Part of this Schedule includes the operation and maintenance of the authorised development and the construction of any works authorised by this Part of this Schedule;

"construction" includes execution, placing, altering, replacing, relaying and removal, and "construct" and "constructed" must be construed accordingly;

"Buckingham and River Ouzel Internal Drainage Board" means in relation to an ordinary watercourse, the drainage board concerned within the meaning of section 23 (prohibition on obstructions etc. in watercourses) and section 66 (powers to make byelaws) and associated byelaws of the Land Drainage Act 1991.

"drainage work" means any ordinary watercourse and includes any bank, wall, embankment or other structure, or any appliance constructed for land drainage or flood defence which is the responsibility of the Buckingham and River Ouzel Internal Drainage Board;

"ordinary watercourse" has the meaning given by section 72 (interpretation) of the Land Drainage Act 1991;

"plans" includes sections, drawings, specifications and method statements;

"specified work" means so much of the authorised development as is in, on, under, over or within 9 metres of a drainage work or is otherwise likely to affect the flow of water in any watercourse.

28.—(1) Before commencing construction of a specified work, the undertaker must submit to the Buckingham and River Ouzel Internal Drainage Board plans of the specified work and such further particulars available to it as the Buckingham and River Ouzel Internal Drainage Board may reasonably require within 14 days of the submission of the plans.

(2) A specified work must not be constructed except in accordance with such plans as may be approved in writing by the Buckingham and River Ouzel Internal Drainage Board or determined under paragraph 34.

(3) Any approval of the Buckingham and River Ouzel Internal Drainage Board required under this paragraph—

(a) must not be unreasonably withheld or delayed;

(b) is deemed to have been given if it is neither given nor refused within 42 days of the submission of the plans for approval, or submission of further particulars (where required by the Buckingham and River Ouzel Internal Drainage Board under sub-paragraph (1)) whichever is the later; and

(c) may be given subject to such reasonable requirements as the Buckingham and River Ouzel Internal Drainage Board may make for the protection of any drainage work taking into account the terms of this Order.

(4) Any refusal under this paragraph must be accompanied by a statement of the reasons for refusal.

29. Without limiting the scope of paragraph 28, the requirements which the Buckingham and River Ouzel Internal Drainage Board may make under that paragraph include conditions requiring the undertaker at its own expense to construct such protective works, whether temporary or permanent, during the construction of the specified work (including the provision of flood banks, walls or embankments or other new works and the strengthening, repair or renewal of existing banks, walls or embankments) as are reasonably necessary taking account of the terms of this Order—

(a) to safeguard any drainage work against damage by reason of any specified work; or

(b) to secure that the efficiency of any drainage work for flood defence and land drainage purposes is not impaired, and that the risk of flooding is not otherwise increased beyond the level of flood risk that was assessed in the environmental statement, by reason of any specified work.

30.—(1) Subject to sub-paragraph (2), any specified work, and all protective works required by the Buckingham and River Ouzel Internal Drainage Board under paragraph 29, must be constructed—

(a) without unreasonable delay in accordance with the plans approved or deemed to have been approved or settled under this Part of this Schedule; and

(b) to the reasonable satisfaction of the Buckingham and River Ouzel Internal Drainage Board,

and an officer of the Buckingham and River Ouzel Internal Drainage Board is entitled to watch and inspect the construction of such works.

(2) The undertaker must give to the Buckingham and River Ouzel Internal Drainage Board—

(a) not less than 14 days' notice in writing of its intention to commence construction of any specified work; and

(b) notice in writing of its completion not later than seven days after the date on which it is brought into use.

31. If by reason of the construction of a specified work or of the failure of any a specified work the efficiency of any drainage work for flood defence purposes or land drainage is impaired, or that drainage work is otherwise damaged, the impairment or damage must be made good by the undertaker as soon as reasonably practicable to the reasonable satisfaction of the Buckingham and River Ouzel Internal Drainage Board and, if the undertaker fails to do so, the Buckingham and River Ouzel Internal Drainage Board may make good the impairment or damage and recover from the undertaker the expense reasonably incurred by it in doing so.

32. The undertaker must make reasonable compensation for costs, charges and expenses which the Buckingham and River Ouzel Internal Drainage Board may reasonably incur—

(a) in the examination or approval of plans under this Part of this Schedule;

(b) in inspecting the construction of the specified work or any protective works required by the Buckingham and River Ouzel Internal Drainage Board under this Part of this Schedule; and

(c) in carrying out any surveys or tests by the Buckingham and River Ouzel Internal Drainage Board which are reasonably required in connection with the construction of the specified work.

33.—(1) The undertaker must make reasonable compensation for liabilities, costs and losses which may be reasonably incurred or suffered by reason of—

(a) the construction of any specified works comprised within the authorised development; or

(b) any act or omission of the undertaker, its employees, contractors or agents or others while engaged upon the construction of the authorised development.

(2) The Buckingham and River Ouzel Internal Drainage Board must give the undertaker reasonable notice of any such claim or demand.

(3) The undertaker may at its own expense conduct all negotiations for the settlement of the same and any litigation that may arise therefrom.

(4) The Buckingham and River Ouzel Internal Drainage Board must not compromise or settle any such claim or make any admission which might be prejudicial to the claim without the agreement of the undertaker which agreement must not be unreasonably withheld or delayed.

(5) The Buckingham and River Ouzel Internal Drainage Board will, having regard to its statutory functions, at all times take reasonable steps to prevent and mitigate any such claims, demands, proceedings, costs, damages, expenses or loss.

(6) The Buckingham and River Ouzel Internal Drainage Board will, at the request of the undertaker and having regard to its statutory functions, afford all reasonable assistance for the purpose of contesting any such claim or action, and is entitled to be repaid its reasonable expenses reasonably incurred in so doing.

(7) The fact that any work or thing has been executed or done by the undertaker in accordance with a plan approved or deemed to be approved by the Buckingham and River Ouzel Internal Drainage Board, or to its satisfaction, or in accordance with any directions or award of an arbitrator, does not relieve the undertaker from any liability under this Part of this Schedule.

(8) Nothing in sub-paragraph (1) imposes any liability on the undertaker with respect to any damage to the extent that it is attributable to the act, neglect or default of the Buckingham and River Ouzel Internal Drainage Board or the breach of a statutory duty of the Buckingham and River Ouzel Internal Drainage Board, its officers, servants, contractors or agents.

34. Any dispute arising between the undertaker and the Buckingham and River Ouzel Internal Drainage Board under this Part of this Schedule, if the parties agree, is to be determined by arbitration under article 43 (arbitration).

SCHEDULE 16

Article 46

PROCEDURE FOR DISCHARGE OF REQUIREMENTS

Interpretation

1. In this Schedule—

"requirement consultee" means any body or authority named in a requirement as a body to be consulted by the relevant planning authority in discharging that requirement; and

"start date" means the date of the notification given by the Secretary of State under paragraph 4(2)(c).

Applications made under requirement

2.—(1) For an application for discharge of a requirement to be valid, the undertaker must provide the following information to the relevant planning authority electronically via email (unless otherwise agreed between the parties)—

(a) a covering letter which includes confirmation of the requirement to which the submission relates;

(b) a statement to confirm whether it is likely that the subject matter of the application will give rise to any materially new or materially different environmental effects compared to those in the environmental statement, and if it will then it must be accompanied by information setting out what those effects are;

(c) confirmation that the application has been notified and provided to the requirement consultees in accordance with sub-paragraph (5), if the provision governing or requiring the application specifies that consultation with a requirement consultee is required. Such confirmation to include contact details for the requirement consultees;

(d) the respective detailed management plan, drawing or other written information to discharge the requirement as required by the requirement; and

(e) payment of the discharge of requirement application fee in accordance with paragraph (5).

(2) Where a valid application has been made pursuant to sub-paragraph (1), the relevant planning authority must give notice to the undertaker of its decision on the application within a period of eight weeks beginning with the later of—

(a) the day immediately following that on which the application is received by the authority;

(b) the day immediately following that on which further information has been supplied by the undertaker under sub-paragraph (1); or

(c) such longer period that is agreed in writing by the undertaker and the relevant planning authority.

(3) Subject to sub-paragraph (4), in the event that the relevant planning authority does not determine an application within the period set out in sub-paragraph (2), the relevant planning authority is to be taken to have granted all parts of the application (without any condition or qualification) at the end of that period.

(4) Where an application has been made to the relevant planning authority for any consent, agreement or approval required by a requirement included in this Order and the relevant planning authority does not determine the application within the period set out in sub-paragraph (2) and is accompanied by a statement pursuant to sub-paragraph (1)(b) which states that the subject matter of such application is likely to give rise to any materially new or materially different environmental effects compared to those in the environmental statement then the application is to be taken to have been refused by the relevant planning authority at the end of that period.

(5) At the same time as submitting an application to the relevant planning authority for any consent, agreement or approval required by a requirement, the undertaker must also give notice of such application, and provide a copy of the application electronically via email (unless otherwise agreed between the parties), to any requirement consultee, if the provision governing or requiring the application specifies that consultation with a requirement consultee is required. As part of the notification to any requirement consultee, the undertaker must include a statement that refers to:

(a) the timeframes in which the requirement consultee can request any further information from the undertaker (via the relevant planning authority) as prescribed in paragraph 3(6)(a) and the consequences of the failure to meet those timescales as prescribed in paragraph 3(6)(b); and

(b) the timeframes in which the requirement consultee must give notice to the relevant planning authority of its comments on the application as prescribed in paragraph 3(6)(d) and the consequences of the failure to meet those timescales as prescribed in paragraph 3(6)(e).

Further information and consultation

3.—(1) In relation to any application made under paragraph 2, the relevant planning authority may request such reasonable further information from the undertaker as is necessary to enable it to consider the application.

(2) If the relevant planning authority considers such further information to be necessary and the provision governing or requiring the application does not specify that consultation with a requirement consultee is required, the relevant planning authority must, within 10 working days of receipt of the application, notify the undertaker in writing specifying the further information required.

(3) If the provision governing or requiring the application specifies that consultation with a requirement consultee is required, the relevant planning authority must notify the undertaker in writing specifying any further information the relevant planning authority considers necessary or that is requested by the requirement consultee within 15 working days of receipt of the application (or such other period as is agreed in writing between the undertaker and the relevant planning authority).

(4) In the event that the relevant planning authority does not give notification as specified in sub-paragraph (2) or (3) it is deemed to have sufficient information to consider the application and is not thereafter entitled to request further information without the prior agreement of the undertaker.

(5) Where further information is requested under this paragraph in relation to part only of an application, that part is to be treated as separate from the remainder of the application for the purposes of calculating time periods in paragraph 2 and paragraph 3.

(6) If the provision governing or requiring the application specifies that consultation with a requirement consultee is required:

(a) A requirement consultee is required to notify the relevant planning authority in writing specifying any further information it considers necessary in order to comment on the application within 10 working days of receipt of the application pursuant to paragraph 2(5);

(b) If a requirement consultee does not give notification as specified in sub-paragraph (a) it is deemed to have sufficient information to comment on the application and is not thereafter entitled to request further information without the prior agreement of the undertaker and relevant planning authority;

(c) At the same time as providing any further information to the relevant planning authority pursuant to a request under paragraph (2), if the undertaker has been notified of further information requested by a requirement consultee, the undertaker must also give any further information to the requirement consultee;

(d) A requirement consultee is required to notify the relevant planning authority in writing of any comments on the application within 15 working days of receipt of the application from the undertaker pursuant to paragraph 2(5), or the receipt of any further information pursuant to sub-paragraph (c) (where further information has been requested); and

(e) If a requirement consultee does not give notification as specified in sub-paragraph (d) it is deemed to have no comments on the application.

Appeals

4.—(1) The undertaker may appeal in the event that—

(a) the relevant planning authority refuses an application for any consent, agreement or approval required by a requirement included in this Order or grants it subject to conditions;

(b) the relevant planning authority is deemed to have refused an application pursuant to paragraph 2(4);

(c) on receipt of a request for further information pursuant to paragraph 3 the undertaker considers that either the whole or part of the specified information requested by the relevant planning authority is not necessary for consideration of the application; or

(d) on receipt of any further information requested, the relevant planning 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 steps to be followed in the appeal process are as follows—

(a) any appeal by the undertaker must be made within 42 days of the date of the notice of the decision or the determination, or (where no determination has been made) the expiry of the time period set out in paragraph 2(1), giving rise to the appeal referred to in sub-paragraph (1);

(b) the undertaker must submit the appeal documentation to the Secretary of State and must on the same day provide copies of the appeal documentation to the relevant planning authority and any requirement consultee;

(c) the Secretary of State must appoint a person to determine the appeal as soon as reasonably practicable and must forthwith notify the appeal parties of the identity of the appointed person and the address to which all correspondence for the appointed person's attention should be sent;

(d) the relevant planning authority and any requirement consultee must submit written representations to the appointed person in respect of the appeal within 10 working days of the start date and must ensure that copies of their written representations are sent to each other and to the undertaker on the day on which they are submitted to the appointed person;

(e) the undertaker may make any counter-submissions to the appointed person within 10 working days of receipt of written representations pursuant to sub-paragraph (d);

(f) the appointed person must make their decision and notify it to the appeal parties, with reasons, as soon as reasonably practicable and in any event within 30 working days of the deadline for the receipt of counter-submissions pursuant to sub-paragraph (e); and

(g) the appointment of the person pursuant to sub-paragraph (c) may be undertaken by a person appointed by the Secretary of State for this purpose instead of by the Secretary of State.

(3) In the event that the appointed person considers that further information is necessary to enable the appointed person to consider the appeal they must, within five working days of the appointed person's appointment, notify the appeal parties in writing specifying the further information required.

(4) Any further information required pursuant to sub-paragraph (3) must be provided by the relevant party to the appointed person and the other appeal parties on the date specified by the appointed person (the "specified date"), and the appointed person must notify the appeal parties of the revised timetable for the appeal on or before that day. The revised timetable for the appeal must require submission of written representations to the appointed person within 10 working days of the specified date, but otherwise the process and time limits set out in sub-paragraphs (d) to (f) of sub-paragraph (2) apply.

(5) The appointed person may—

(a) allow or dismiss the appeal; or

(b) reverse or vary any part of the decision of the relevant planning 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 them in the first instance.

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

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

(8) The decision of the appointed person on an appeal is to be final and binding on the parties, unless proceedings are brought by a claim for judicial review.

(9) If an approval is given by the appointed person pursuant to this Schedule, it is to be deemed to be an approval for the purpose of Schedule 2 (requirements) as if it had been given by the relevant planning authority. The relevant planning 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) is not to be taken to affect or invalidate the effect of the appointed person's determination.

(10) Save where a direction is given pursuant to sub-paragraph (11) requiring the costs of the appointed person to be paid by the relevant planning authority, the reasonable costs of the appointed person must be met by the undertaker.

(11) On application by the relevant planning 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 is to be made, the appointed

person must have regard to advice on planning appeals and award costs published in Planning Practice Guidance: Appeals (March 2014) or any circular or guidance which may from time to time replace it.

Fees

5.—(1) Where an application is made to the relevant planning authority for discharge of a requirement, the fee prescribed under regulation 16(1)(b) of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012(a) (as may be amended or replaced from time to time) is to apply and must be paid to the relevant planning authority for each application.

(2) Where an application under sub-paragraph (1) is made and a fee payable on or after 1 April 2025, then section 18A of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012(b) will apply.

(3) Any fee paid under this Schedule must be refunded to the undertaker within four weeks of—

(a) the application being rejected as invalidly made; or

(b) the relevant planning authority failing to determine the application within the relevant period in paragraph 2(2) unless—

(i) within that period the undertaker agrees, in writing, that the fee is to be retained by the relevant planning authority and credited in respect of a future application; or

(ii) a longer period of time for determining the application has been agreed pursuant to paragraph 2(2) of this Schedule, as applicable.

(**a**) S.I., amended by S.I. 2023/1197, S.I. 2025/342 and the Environment Act 2021 (c. 30).

(**b**) As amended by the Town and County Planning (Fees for Applications, Deemed Applications, Requests and Site Visits (England) Amendment Regulations 2023.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises Rosefield Energyfarm Limited (referred to in this Order as the undertaker) to construct, operate, maintain and decommission a ground mounted solar photovoltaic generating station with a gross electrical output capacity over 50 megawatts and associated development. The Order would permit the undertaker to acquire, compulsorily or by agreement, land and rights in land and to use land for this purpose.

A copy of the Order plans and the book of reference mentioned in the Order and certified in accordance with article 42 (certification of plans and documents, etc) of this Order may be inspected free of charge during working hours at Buckinghamshire Council, The Gateway, Gatehouse Road, Aylesbury, HP19 8FF.

Rosefield
Solar Farm

rosefieldsolarfarm.co.uk

Application Document Ref: EN010158/APP/3.1.4
Planning Inspectorate Scheme Ref: EN010158