

# **A1 in Northumberland: Morpeth to Ellingham**

**Scheme Number: TR010059**

## **3.1 Final draft Development Consent Order (Tracked)**

Rule 8(1)(c)

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010

Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning  
(Examination Procedure) Rules  
2010**

**The A1 in Northumberland: Morpeth to  
Ellingham**

Development Consent Order 20[xx]

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|------------------------------------------------|------------------------------------------------------------------------------|
| <b>Rule Reference:</b>                         | 8(1)(c)                                                                      |
| <b>Planning Inspectorate Scheme Reference:</b> | TR010059                                                                     |
| <b>Doc Reference:</b>                          | 3.1                                                                          |
| <b>Author:</b>                                 | A1 in Northumberland: Morpeth to Ellingham<br>Project Team, Highways England |

| <b>Version</b> | <b>Date</b> | <b>Status of Version</b> |
|----------------|-------------|--------------------------|
| Rev 12a        | July 2021   | Deadline 11              |

Document comparison by Workshare 10.0 on 02 July 2021 16:14:30

| Input:        |                                                                            |
|---------------|----------------------------------------------------------------------------|
| Document 1 ID | file://C:\Users\MEADEL\Desktop\A1 M2E Deadline 10 DCO Clean comparison.doc |
| Description   | A1 M2E Deadline 10 DCO Clean comparison                                    |
| Document 2 ID | file://C:\Users\MEADEL\Desktop\A1 M2E Deadline 11 DCO.doc                  |
| Description   | A1 M2E Deadline 11 DCO                                                     |
| Rendering set | DLA Standard                                                               |

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| Statistics:    |       |
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|                | Count |
| Insertions     | 232   |
| Deletions      | 20    |
| Moved from     | 0     |
| Moved to       | 0     |
| Style change   | 0     |
| Format changed | 0     |
| Total changes  | 252   |

**20[\*] No. [\*\*\*\*]**

**INFRASTRUCTURE PLANNING**

**The A1 in Northumberland: Morpeth to Ellingham  
Development Consent Order 20[\*\*]**

*Made* - - - - [\*\*\*]

*Coming into force* - - [\*\*\*]

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An application has been made to the Secretary of State, under sections 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

The application was examined by a Panel of two members (“the Panel”) pursuant to Chapter 2 of Part 6 of the 2008 Act and carried out in accordance with Chapter 4 of Part 6 of the 2008 Act, and the Infrastructure Planning (Examination Procedure) Rules 2010(c).

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

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

The Secretary of State, in exercise of the powers conferred by sections 114, 115, 117, 120 and 122 of, and paragraphs 1 to 3, 10 to 15, 17, 19 to 23, 26, 33, 36 and 37 of Part 1 of Schedule 5 to, the 2008 Act, makes the following Order—

## PART 1

### PRELIMINARY

#### Citation and commencement

1. This Order may be cited as the A1 in Northumberland: Morpeth to Ellingham Development Consent Order 20[\*] and shall come into force on [\*\*\*\*] 20[\*].

#### Interpretation

2. —(1) In this Order—  
“the 1961 Act” means the Land Compensation Act 1961(d);  
“the 1965 Act” means the Compulsory Purchase Act 1965(e);  
“the 1980 Act” means the Highways Act 1980(f);

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

(b) S.I. 2009/2264, amended by S.I. 2010/439, S.I. 2010/602, S.I. 2012/635, S.I. 2012/2654, S.I. 2012/2732, S.I. 2013/522 and S.I. 2013/755.

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

(d) 1961 c. 33. Section 2(2) was amended by section 193 of, and paragraph 5 of Schedule 33 to, the Local Government Planning and Land Act 1990 (c. 65). There are other amendments to the 1961 Act which are not relevant to this Order.

(e) 1965 c. 56.

(f) 1980 c. 66.

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

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

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

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

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

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

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

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

“the book of reference” means the document of that description 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;

“business day” means Monday to Friday excluding Bank Holidays and other public holidays;

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

“CEMP” means the construction environmental management plan;

“Charlton Mires Junction overbridge works” means the works comprised in Work No. 29g;

“Charlton Mires Junction access works” means the works comprised in Work Nos. 29h and 29i;

“commence” means beginning to carry out any material operation (as defined in section 56(4) of the 1990 Act) forming part of the authorised development other than operations consisting of pre-construction archaeological investigations and mitigation, ecological surveys and pre-construction ecological mitigation, investigation for the purpose of assessing and monitoring ground conditions and levels, remedial work in respect of any contamination or other adverse ground conditions, erection of any temporary means of enclosure, receipt and erection of construction plant and equipment, diversion and laying of underground apparatus and site clearance, and the temporary display of site notices or advertisements and “commencement is to be construed accordingly;

“cycle track” has the same meaning as in the 1980 Act and includes part of a cycle track(l);

“electronic transmission” means a communication transmitted—

- (a) by means of an electronic communications network; or
- (b) by other means but while in electronic form;

“engineering drawings and sections” means the document of that description listed in Schedule 12 (documents to be certified) and certified as the engineering drawings and sections by the Secretary of State for the purposes of this Order;

“environmental statement” means the document of that description submitted with the application for this Order and certified as the environmental statement by the Secretary of State for the purposes of this Order;

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(g) 1981 c. 66.

(h) 1984 c. 27.

(i) 1990 c. 8. Section 206(1) was amended by section 192(8) of, and paragraphs 7 and 11 of Schedule 8 to, the 2008 Act. There are other amendments to the 1990 Act which are not relevant to this Order.

(j) 1991 c. 22. There are other amendments to the 1991 Act but they are not relevant to this Order.

(k) 2008 c. 29.

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



“Fenrother Junction access works” means the works comprised in Work Nos. 9a, 9b, 9c, 9d, 9e, 9f, 9h and 9i

“Fenrother Junction overbridge works” means the works comprised in Work No. 9g;

“footway” and “footpath” have the same meaning as in the 1980 Act and include part of a footway or footpath;

“the general arrangement plans” means the document of that description listed in Schedule 12 (documents to be certified) and certified as the general arrangement plans by the Secretary of State for the purposes of the Order;

“Heckley Fence overbridge works” means the works comprised in Work No. 27;

“Highlaws Junction overbridge works” means the works comprised in Work No. 8d;

“highway”, “highway authority” and “local highway authority” have the same meaning as in the 1980 Act and “highway” includes part of a highway;

“the land plans” means the plans listed in Schedule 12 (documents to be certified) and certified as the land plans by the Secretary of State for the purposes of this Order;

“landscape mitigation masterplan” means the documents comprising (first) landscape mitigation masterplan Part A; (second) landscape mitigation plan Part B; and (third) landscape mitigation plan including assessment parameter 3 Part B being the documents of that description listed in Schedule 12 (documents to be certified) and certified as such by the Secretary of State for the purposes of this Order;

“lead local flood authority” has the same meaning as in section 6(9) of the Flood and Water Management Act 2010;(m)

“limits of deviation” means the limits of deviation referred to in article 7 (limits of deviation);

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

“Northern Gas Networks Limited” means the company registered in England and Wales, company number 05167070, whose registered address is 1100 Century Way, Thorpe Park Business Park, Colton, Leeds LS15 8TU;

“National Grid Gas PLC” means the company registered in England and Wales, company number 02006000, whose registered office is 1-3 Strand, London, WC2N 5EH;

“Northern Powergrid Limited” means the company registered in England and Wales, company number 03271033, whose registered address is Lloyds Court, 78 Grey Street, Newcastle Upon Tyne, NE1 6AF;

“Northumbrian Water Limited” means the company registered in England and Wales, company number 2366703, whose registered office address is Northumbria House, Abbey Road, Pity Me, Durham DH1 5FJ;

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

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

“outline CEMP” means the document of that description submitted with the application for this Order and certified as the outline CEMP by the Secretary of State for the purposes of this Order;

“outline CTMP” means the document of that description listed in Schedule 12 (documents to be certified) and certified as the outline CTMP by the Secretary of State for the purposes of this Order;

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(m) 2010 c.29.

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

“Part A offline works” means the works comprised in Work Nos. 2a, 2b, 11a, 11b, 11c, 11d, 11e, 12a, 12b, 13, 14 and 15;

“Part A online works” means the works comprised in Work Nos. 1a, 1b, 3a, 3b, 4, 5a, 5b, 5c, 5d, 6, 7, 8a, 8b, 8c, 8e, 8f, 8g, 8h, 8i, 8j, 10a, 10b, 16a, 16b, 16c, 16d, 16f, 16g, 16h, 16i, 16j, 16k, 16l, 17, 18, 19, 20;

“Part B online works” means the works comprised in Work Nos. 21a, 21b, 23a, 23b, 24, 25a, 25b, 26, 28, 29a, 29b, 29c, 29d, 29e, 29f, 29j, 29k, 29l, 30a, 30b, 31, 32, 33, 34, 35, 36 and 37;

“Part B offline works” means the works comprised in Work Nos. 22a and 22b;

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

“rights of way and access plans” means the document of that description listed in Schedule 12 (documents to be certified) and certified as the rights of way and access plans by the Secretary of State for the purposes of this Order;

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

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

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

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

“structures engineering drawings and sections” means the document of that description listed in Schedule 12 (documents to be certified) and certified as the structures engineering drawings and sections by the Secretary of State for the purposes of this Order;

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

“traffic regulation plans” means the document of that description listed in Schedule 12 (documents to be certified) and certified as the traffic regulation plans by the Secretary of State for the purposes of this Order;

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

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

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

“undertaker” means Highways England Company Limited (Company No. 09346363) of Bridge House, 1 Walnut Tree Close, Guildford, Surrey, GU1 4LZ;

“vegetation clearance plans” means the document of that description listed in Schedule 12 (documents to be certified) and certified as the vegetation clearance plans by the Secretary of State for the purposes of this Order;

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

“West Moor Junction overbridge works” means the works comprised in Work No. 16e; and

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<sup>(n)</sup> 1981 c. 67. The definition of “owner” was amended by paragraph 9 of Schedule 15 to the Planning and Compensation Act 1992 (c.34). There are other amendments to section 7 which are not relevant to the Order.

“the works plans” means the document of that description listed in Schedule 12 (documents to be certified) and certified as the works plans by the Secretary of State for the purposes of this Order.

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

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

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

(5) References in this Order to points identified by letters or numbers are to be construed as references to points so lettered or numbered on the streets, rights of way and access plans.

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

(7) The provisions of the Neighbourhood Planning Act 2017<sup>(o)</sup>, insofar as they relate to temporary possession of land under articles 34 and 35 of this Order, do not apply in relation to the construction of any work or the carrying out of any operation required for the purpose of, or in connection with, the construction of the authorised development and, within the maintenance period defined in article 36(12), any maintenance of any part of the authorised development.

## PART 2

### PRINCIPAL POWERS

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

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

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

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

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

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

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

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

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<sup>(o)</sup> 2017 c. 20.

<sup>(p)</sup> 1991 c. 59. The definition of “drainage” was substituted by paragraphs 191 and 194 of Schedule 22 to the Environment Act 1995 (c. 25).

## **Planning permission**

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

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

the carrying out of such development, under the terms of the planning permission does not breach the terms of this Order.

## **Limits of deviation**

7. —(1) In carrying out the authorised development the undertaker may—

- (a) deviate laterally from the lines or situations of the authorised development shown on the works plans to the extent of the limits of deviation shown on those plans; and
- (b) deviate vertically from the levels of the authorised development shown on the engineering drawings and sections to a maximum of—
  - (i) in respect of the Part A online works and the Part B online works, 0.25 metres upwards or 0.25 metres downwards;
  - (ii) in respect of the Part A offline works, 1 metre upwards or 1 metres downwards;
  - (iii) in respect of the Part B offline works, 0.5 metres upwards or 0.5 metres downwards;
  - (iv) in respect of the Fenrother Junction access works, 1.25 metres upwards or 1.25 metres downwards;
  - (v) in respect of the Highlaws Junction overbridge works and the West Moor Junction overbridges works, 0.5 metres upwards or 0.5 metres downwards;
  - (vi) in respect of the Fenrother Junction overbridge works, 1.35 metres upwards or 1.35 metres downwards;
  - (vii) in respect of the Heckley Fence overbridge works, 0.65 metres upwards or 0.65 metres downwards;
  - (viii) in respect of the Charlton Mires Junction overbridge works, 0.9 metres upwards or 0.9 metres downwards;
  - (ix) in respect of the Charlton Mires Junction access works, 0.25 metres upwards or downwards except for the approach ramps to the Charlton Mires Junction overbridge works where the undertaker may deviate vertically from the levels of the authorised development shown on the engineering drawings and sections to a maximum of 0.9 metres upwards or 0.9 metres downwards

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

(2) Part 2 (procedure for discharge of requirements) of Schedule 2 (requirements) shall apply to an application to the Secretary of State for certification under paragraph (1) as though it were an approval required by a requirement under that Schedule.

### **Benefit of the Order**

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

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

### **Consent to transfer benefit of the Order**

9.—(1) Subject to paragraph (4), the undertaker may—

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

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

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

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

- (a) Northumbrian Water Limited for the purposes of undertaking the movement, replacement or diversion of apparatus required in respect of Work Nos. 21a, 21b, 22a, 22b, 23a, 23b, 24, 28, 29a, 29b, 29c, 29d, 29e, 29e, 29f, 29g, 29h, 29i, 29j, 29k, 29l, 30a, 31, 30b 32, 33, and 34;
- (b) Northern Gas Networks Limited for the purposes of undertaking the movement, replacement or diversion of apparatus required in respect of Work Nos. 22a, 22b, 23a, 23b, 24, 29b, 29c, 29d, 29e, 29f, 29g, 29h, 29i, 32, 34 and 35; and
- (c) Northern Powergrid Limited for the purposes of undertaking the movement, replacement or diversion of apparatus required in respect of Work Nos. 21a, 21b, 22a, 22b, 22d, 22f, 22g, 22h, 23a, 23b, 24, 25a, 25b, 27, 29a, 29b, 29c, 29d, 29e, 29f, 29g, 29h, 29i, 29k, 29l, 30a, 30b, 32, 33, 34, 35, 36, and 37.

## **PART 3**

### **STREETS**

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

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

- (a) they are of a description mentioned in any of paragraphs (a), (c) to (e), (g) and (h) of section 86(3) of that Act (which defines what highway authority works are major highway works); or
- (b) they are works which, had they been executed by the highway authority, might have been carried out in exercise of the powers conferred by section 64 (dual carriageways

and roundabouts)(q) of the 1980 Act or section 184 (vehicle crossings over footways and verges)(r) of that Act.

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

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

section 56 (directions as to timing)(s);

section 56A (power to give directions as to placing of apparatus)(t);

section 58 (restrictions following substantial road works)(u);

section 58A (restriction on works following substantial street works)(v);

section 73A (power to require undertaker to re-surface street);

section 73B (power to specify timing etc. of re-surfacing);

section 73C (materials, workmanship and standard of re-surfacing);

section 78A (contributions to costs of re-surfacing by undertaker); and

Schedule 3A (restriction on works following substantial street works)(w).

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

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

section 54 (advance notice of certain works)(y), subject to paragraph (6);

section 55 (notice of starting date of works)(z), subject to paragraph (6);

section 57 (notice of emergency works)(aa);

section 59 (general duty of street authority to co-ordinate works)(bb);

section 60 (general duty of undertakers to co-operate);

section 68 (facilities to be afforded to street authority);

section 69 (works likely to affect other apparatus in the street);

section 75 (inspection fees);

section 76 (liability for cost of temporary traffic regulation); and

section 77 (liability for cost of use of alternative route),

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(q) Section 64 was amended by Schedule 17 to the Local Government Act 1965 (c. 51) and Schedule 9 to the 1991 Act.

(r) Section 184 was amended by section 4 of, and Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c. 11) and Schedule 8 to the New Roads and Street Works Act 1991 (c. 22) and sections 35 and 46 of the Criminal Justice Act 1982 (c. 48).

(s) Section 56 was amended by section 43 of, and Schedule 1 to, the Traffic Management Act 2004 (c. 18).

(t) Section 56A was inserted by section 44 of the Traffic Management Act 2004 (c. 18).

(u) Section 58 was amended by section 51 of, and Schedule 1 to, the Traffic Management Act 2004 (c. 18).

(v) Section 58 was amended by section 51 of, and Schedule 1 to, the Traffic Management Act 2004 (c. 18).

(w) Schedule 3A was inserted by Schedule 4 to the Traffic Management Act 2004 (c. 18).

(x) Sections 54, 55, 57, 60, 68 and 69 were amended by sections 40(1) and (2) of, and Schedule 1 to, the Traffic Management Act 2004 (c. 18).

(y) As also amended by section 49(1) of the Traffic Management Act 2004 (c. 18).

(z) As also amended by section 49(2) and 51(9) of the Traffic Management Act 2004 (c. 18).

(aa) As also amended by section 52(3) of the Traffic Management Act 2004 (c. 18).

(bb) As amended by section 42 of the Traffic Management Act 2004 (c. 18).

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

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

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

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

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

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

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

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

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

- (a) are exercisable on the giving of not less than 6 weeks' notice to the street authority; and
- (b) are not to be exercised without the consent of the street authority where that authority is a public authority.

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

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

### **Street works**

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

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

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

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

### **Construction and maintenance of new, altered or diverted streets**

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

(2) Where a street (other than a trunk road which will remain as such following the exercise of the powers in article 14(3)) is altered or diverted under this Order, the altered or diverted part of the street must, when completed to the reasonable satisfaction of the street authority in whose area the street lies and, unless otherwise agreed with the local street authority, be maintained by and at the expense of the local street authority from its completion.

(3) In the case of a bridge constructed under this Order to carry a highway (other than a trunk road) over a trunk road, the highway surface (being those elements over the waterproofing membrane) must be maintained by and at the expense of the local highway authority and the remainder of the bridge, including the waterproofing membrane and structure below, must be maintained by and at the expense of the undertaker.

(4) 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.

(5) For the purposes of a defence under paragraph (4), the court must in particular have regard to the following matters—

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

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

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

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

(2) From the date on which the roads described in Part 1 (trunk roads) of Schedule 3 (classification of roads, etc) become trunk roads, those roads specified in Part 2 (roads to be de-trunked) of Schedule 3 shall cease to be trunk roads as if they had become so by virtue of an order under section 10(2) of the 1980 Act specifying that date as the date on which they were to



cease to be trunk roads and, subject to those roads being in such state of repair as is reasonably satisfactory to the local highway authority, shall vest in the local highway authority.

(3) Section 265 of the 1980 Act shall apply to a road which ceases to be a trunk road in terms of paragraph (2).

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

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

(6) From the date that the public rights of way described in Part 5 (other public rights of way) of Schedule 3 (classification of roads, etc.) are completed and open for use they will be of the types described in column (1) to the extent described in column (2).

(7) From the date that the footways and cycleways described in Part 6 (footways and cycleways to be provided) of Schedule 3 (classification of roads, etc.) are completed and open for use they will be of the types described in column (1) to the extent described in column (2).

(8) The application of paragraphs (1) to (6) may be varied or revoked by any instrument made under any enactment which provides for the variation or revocation of such matters.

(9) Notwithstanding the extent of any road shown on the rights of way and access plans any road which is subject to this article shall include the verge of that road.

### **Temporary prohibition, restriction and regulation of the use of streets**

**15.—**(1) The undertaker, during and for the purposes of carrying out the authorised development, may temporarily prohibit, restrict or regulate the use of any street by vehicular traffic or by any class of vehicular traffic and may for any reasonable time—

(a) divert the traffic from the street; and

(b) subject to paragraph (3), prevent all persons from passing along the street.

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

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

(4) Without limitation on the scope of paragraph (1), the undertaker may temporarily prohibit, restrict or regulate the use by vehicular traffic and pedestrians of the streets specified in columns (1) and (2) of Part 2 to Schedule 5 (temporary prohibition of vehicular traffic and pedestrians) to the extent specified in column (2) of Part 2 to that Schedule.

(5) For the purposes of this article 15, vehicular traffic shall be taken to include horses and pedal cycles.

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

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

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

## **Permanent stopping up and restriction of use of streets, public rights of way and private means of access**

16.—(1) Subject to the provisions of this article, the undertaker may, in connection with the carrying out of the authorised development, stop up each of the streets, public rights of way and private means of access specified in column (1) of Parts 1, 2, 3, 4 and 5 of Schedule 4 (permanent stopping up of streets, public rights of way and private means of access) to the extent specified and described in column (2) of that Schedule.

(2) No street, public right of way or private means of access specified in column (1) of Parts 1, 2 and 3 of Schedule 4 (being a street, public right of way or private means of access to be stopped up for which a substitute is to be provided) is to be wholly or partly stopped up under this article unless—

- (a) the new street, public right of way or private means of access to be constructed and substituted for it, which is specified in column (3) of those Parts of that Schedule, has been completed to the reasonable satisfaction of the street authority and is open for use; or
- (b) a temporary alternative route for the passage of such traffic as could have used the street, public right of way or private means of access to be stopped up is first provided and subsequently maintained by the undertaker, to the reasonable satisfaction of the street authority, between the commencement and termination points for the stopping up of the street, public right of way or private means of access until the completion and opening of the new street, public right of way or private means of access in accordance with sub-paragraph (a).

(3) No public right of way specified in column (1) of Part 4 of Schedule 4 (being a public right of way to be stopped up for which no substitute is to be provided) is to be wholly or partly stopped up under this article unless the undertaker has erected a site notice at each end of the right of way to be extinguished no less than 28 days prior to the extinguishment of that right of way.

(4) No private access specified in column (1) of Part 5 of Schedule 4 (being a private access to be stopped up for which no substitute is to be provided) is to be wholly or partly stopped up under this article unless the undertaker has erected a site notice at each end of the private access to be extinguished no less than 28 days prior to the extinguishment of that right of way.

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

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

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

(7) This article is subject to article 38 (apparatus and rights of statutory undertakers in stopped up streets).

## **Access to works**

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

## Clearways

**18.**—(1) From the date on which the roads described in Part 1 (trunk roads) of Schedule 3 (classification of roads, etc.) are open for traffic, except as provided in paragraph (2), no person is to cause or permit any vehicle to wait on any part of those roads, other than a lay-by, except upon the direction of, or with the permission of, a constable or traffic officer in uniform.

(2) Nothing in paragraph (1) applies —

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

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

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

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

## Speed restrictions

**19.**—(1) From the date on which the roads specified in Part 2 (speed limits) of Schedule 11 (traffic regulation measures) are open for traffic, no person is to drive any motor vehicle at a speed exceeding the limit in miles per hour specified in column (3) of Part 2 of Schedule 11 along the lengths of road identified in the corresponding row of column (2) of that Part to the extent shown on the traffic regulation plans.

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(cc) 2003 c.21. Schedule 3A was inserted by section 4(2) of, and Schedule 1 to, the Digital Economy Act 2017 (c.30)

(dd) 1991 c.56.

(ee) 2000 c.26.

(ff) 2004 c.18.

(2) Paragraph (1) shall have effect as if made by an order under the 1984 Act and its application of paragraph (1) may be varied or revoked by any instrument made under any enactment which provides for the variation or revocation of such matters.

### **Closure of bus stops and parking laybys**

**20.**—(1) Subject to the provisions of this article, the undertaker may close the bus stop and parking laybys specified in Part 3 (closures of bus stop and parking laybys) of Schedule 11 (traffic regulation measures).

(2) The closure of bus stop and parking laybys in terms of paragraph (1) shall have effect as if made by an order under the 1984 Act and its application of paragraph (1) may be varied or revoked by any instrument made under any enactment which provides for the variation or revocation of such matters.

### **Traffic regulation**

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

(2) Subject to the provisions of this article, and the consent of the traffic authority in whose area the road concerned is situated, which consent must not be unreasonably withheld, the undertaker may, for the purposes of the authorised development—

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

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

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

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

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

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

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

- (a) has effect as if duly made by, as the case may be—

- (i) the traffic authority in whose area the road is situated, as a traffic regulation order under the 1984 Act; or
  - (ii) the local authority in whose area the road is situated, as an order under section 32 (power of local authorities to provide parking spaces)(**gg**) of the 1984 Act, and the instrument by which it is effected may specify savings and exemptions to which the prohibition, restriction or other provision is subject; and
  - (b) is deemed to be a traffic order for the purposes of Schedule 7 (road traffic contraventions subject to civil enforcement) to the Traffic Management Act 2004.(**hh**)
- (7) Any prohibition, restriction or other provision made under this article may be suspended, varied or revoked by the undertaker from time to time by subsequent exercise of the powers of paragraph (2) within a period of 24 months from the opening of the authorised development.
- (8) Before exercising the powers of paragraph (2) the undertaker must consult such persons as it considers necessary and appropriate and must take into consideration any representations made to it by any such person.
- (9) Expressions used in this article and in the 1984 Act shall have the same meaning in this article as in that Act.
- (10) The powers conferred on the undertaker by this article with respect to any road have effect subject to any agreement entered into by the undertaker with any person with an interest in (or who undertakes activities in relation to) premises served by the road.
- (11) If the traffic authority fails to notify the undertaker of its decision within 28 days of receiving an application for consent under paragraph (2) the traffic authority is deemed to have granted consent.

#### **Powers in relation to relevant watercourses**

- 22.**—(1) Subject to Schedule 10 (protective provisions), the undertaker may, for the purpose of or in connection with the carrying out and maintenance of the authorised development, regardless of any interference with any public or private rights—
- (a) temporarily alter, interfere with, occupy and use the banks, bed, foreshores, waters and walls of a relevant watercourse;
  - (b) construct, place, maintain and remove temporary works and structures within the banks, bed, foreshores, waters and walls of a relevant watercourse; and
  - (c) interfere with the navigation of any relevant watercourse,
  - (d) in such manner and to such extent as may appear to it to be necessary or convenient.
- (2) The undertaker must pay compensation to any person entitled to compensation under the 1961 Act who suffers any loss or damage from the exercise of the powers conferred by paragraph (1)(b).
- (3) Any dispute as to a person's entitlement to compensation under paragraph (3), or as to the amount of compensation, is to be determined under Part 1 of the 1961 Act.
- (4) In this article, "relevant watercourse" means so much of the River Coquet as the context requires.
- (5) Nothing in this article overrides the requirement to obtain necessary consents under the Water Resources Act 1991(**ii**), the Environmental Permitting (England and Wales) Regulations 2016(**jj**).

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

(**hh**) 2004 c. 18.

(**ii**) 1991 c. 57.

(**jj**) S.I. 2016/1154.

## PART 4

### SUPPLEMENTAL POWERS

#### **Discharge of water**

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

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

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

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

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

(5) The undertaker must not, in carrying out or maintaining works under this article, damage or interfere with the bed or banks of any watercourse forming part of a main river.

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

(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 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 have the same meaning as in that Act.

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

#### **Protective work to buildings**

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

(2) Protective works may be carried out—

- (a) at any time before or during the carrying out in the vicinity of the building of any part of the authorised development; or

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

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

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

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

(5) Before exercising—

- (a) a right under paragraph (1) to carry out protective works to a building;
- (b) a right under paragraph (3) to enter a building and land within its curtilage;
- (c) a right under paragraph (4)(a) to enter a building and land within its curtilage; or
- (d) a right under paragraph (4)(b) to enter land,

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

(6) Where a notice is served under paragraph (5)(a), (c) or (d), the owner or occupier of the building or land concerned may, by serving a counter-notice within the period of 10 days beginning with the day on which the notice was served, require the question whether it is necessary or expedient to carry out the protective works or to enter the building or land to be referred to arbitration under article 48 (arbitration).

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

(8) Where—

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) in land located within a highway boundary without the consent of the highway authority; or
- (b) in a private street without the consent of the street authority, but such consent must not be unreasonably withheld.

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

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

that authority will be deemed to have granted consent.

## **PART 5**

### **POWERS OF ACQUISITION AND POSSESSION**

#### **Compulsory acquisition of land**

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

(2) This article is subject to paragraph (2) of article 29 (compulsory acquisition of rights and restrictive covenants) and paragraph (8) of article 35 (temporary use of land for carrying out the authorised development).



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

27. Part 2 of Schedule 2 to the Acquisition of Land Act 1981(**kk**)(a) (minerals) is incorporated in this Order subject to the modification that for the “acquiring authority” substitute the “undertaker.”

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

28.—(1) After the end of the period of 5 years beginning on the day on which this Order is made—

- (a) no notice to treat is to be served under Part 1 of the 1965 Act; and
- (b) no declaration is to be executed under section 4 of the 1981 Act as applied by article 32 (application of the Compulsory Purchase (Vesting Declarations) Act 1981).

(2) The authority conferred by article 35 (temporary use of land for carrying out the authorised development) ceases at the end of the period referred to in paragraph (1), except that nothing in this paragraph prevents the undertaker remaining in possession of land after the end of that period, if the land was entered and possession was taken before the end of that period.

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

29.—(1) Subject to paragraphs (2) to (4), the undertaker may acquire such rights over the Order land, or impose restrictive covenants affecting the Order land, as may be required for any purpose for which that land may be acquired under article 26 (compulsory acquisition of land) by creating them as well as acquiring rights already in existence.

(2) In the case of the Order land specified in column (1) of Schedule 6 (land in which only new rights etc. may be acquired) the undertaker’s powers of compulsory acquisition are limited to the acquisition of such wayleaves, easements, new rights in the land or the imposition of restrictive covenants, as may be required for the purpose specified in relation to that land in column (2) of that Schedule and in relation to the Work no. specified in column (2) of that Schedule.

(3) The power to impose restrictive covenants under paragraph (1) is exercisable only in respect of plots specified in column (1) of Schedule 6.

(4) Subject to section 8 of the 1965 Act (other provisions as to divided land), as modified by Schedule 7 (modification of compensation and compulsory purchase enactments for creation of new rights and imposition of restrictive covenants), where the undertaker acquires a right over land or the benefit of a restrictive covenant affecting land under paragraph (1) or (2), the undertaker is not required to acquire a greater interest in that land.

(5) Schedule 7 has effect for the purpose of modifying the enactments relating to compensation and the provisions of the 1965 Act in their application in relation to the compulsory acquisition under this article of a right over land by the creation of a new right or the imposition of a restrictive covenant.

### **Private rights over land**

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

- (a) as from the date of acquisition of the land by the undertaker, whether compulsorily or by agreement; or
  - (b) on the date of entry on the land by the undertaker under section 11(1) of the 1965 Act (power of entry),
- whichever is the earlier.

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(**kk**) 1981 c. 67.

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

- (a) as from the date of the acquisition of the right or the benefit of the restrictive covenant by the undertaker, whether compulsorily or by agreement; or
  - (b) on the date of entry on the land by the undertaker under section 11(1) of the 1965 Act (power of entry),
- whichever is the earlier.

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

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

(5) Any person who suffers loss by the extinguishment or suspension of any private right under this article is entitled to compensation in accordance with the terms of section 152 of the 2008 Act to be determined, in case of dispute, under Part 1 of the 1961 Act.

(6) This article does not apply in relation to any right to which section 138 of the 2008 Act (extinguishment of rights, and removal of apparatus, of statutory undertakers etc.) or article 37 (statutory undertakers) applies.

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

- (a) any notice given by the undertaker before—
  - (i) the completion of the acquisition of the land or the acquisition of the rights over or the imposition of the restrictive covenant or affecting the land;
  - (ii) the undertaker's appropriation of it;
  - (iii) the undertaker's entry onto it; or
  - (iv) the undertaker's taking temporary possession of it,that any or all of those paragraphs do not apply to any right specified in the notice; and
- (b) any agreement made at any time between the undertaker and the person in or to whom the right in question is vested or belongs.

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

- (a) is made with a person in or to whom the right is vested or belongs; and
  - (b) is expressed to have effect also for the benefit of those deriving title from or under that person,
- it is effective in respect of the persons so deriving title, whether the title was derived before or after the making of the agreement.

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

## **Modification of Part 1 of the 1965 Act**

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

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

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

- (i) for “section 23 of the Acquisition of Land Act 1981 (application to the High Court in respect of compulsory purchase order)” substitute “section 118 of the Planning Act 2008 (legal challenges relating to applications for orders granting development consent)”; and
- (ii) for “the three year period mentioned in section 4” substitute “the five year period mentioned in article 28 (time limit for exercise of authority to acquire land compulsorily) of the A1 in Northumberland: Morpeth to Ellingham Development Consent Order 20[\*\*]”.

(2) In section 22(2) (expiry of time limit for exercise of compulsory purchase power not to affect acquisition of interests omitted from purchase), for “section 4 of this Act” substitute “article 27 (time limit for exercise of authority to acquire land compulsorily) of the A1 in Northumberland: Morpeth to Ellingham Development Consent Order 20[\*\*]”.

(3) In Schedule 2A (counter-notice requiring purchase of land not in notice to treat) at the end insert—

#### “PART 4

#### INTERPRETATION

**30.** In this Schedule, references to entering on and taking possession of land do not include doing so under article 24 (protective work to buildings), 35 (temporary use of land for carrying out the authorised development) or 36 (temporary use of land for maintaining the authorised development) of the A1 in Northumberland: Morpeth to Ellingham Development Consent Order 20[\*\*].”

#### **Application of the 1981 Act**

- 32.**—(1) The 1981 Act applies as if this Order were a compulsory purchase order.
- (2) The 1981 Act, as so applied, has effect with the modifications set out in this article.
- (3) In section 1 (application of act) for subsection 2 substitute—
- “(2) This section applies to any Minister, any local or other public authority or any other body or person authorised to acquire land by means of a compulsory purchase order.”
- (4) Omit section 5 (earliest date for execution of declaration)(**mm**).
- (5) Omit section 5A (which provides a time limit for the execution of a general vesting declaration)(**nn**).
- (6) In section 5B(1) (extension of time limit during challenge)(**oo**)—
- (a) 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 Planning Act 2008 (legal challenges relating to applications for orders granting development consent)”; and
  - (b) for “the three year period mentioned in section 4” substitute “the five year period mentioned in article 28 (time limit for exercise of authority to acquire land compulsorily) of the A1 in Northumberland: Morpeth to Ellingham Development Consent Order 20[\*\*]”.
- (7) In section 6 (notices after execution of declaration) for subsection (1)(b)(**pp**) there is substituted—
- “(b) on every other person who has given information to the acquiring authority with respect to any of that land further to the invitation published and served under section 134 of the Planning Act 2008.”.

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

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

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

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

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

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

(10) References to the 1965 Act in the 1981 Act are to be construed as references to the 1965 Act as applied by section 125 (application of compulsory acquisition provisions) of the 2008 Act to the compulsory acquisition of land under this Order.

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

**33.**—(1) The undertaker may acquire compulsorily so much of, or such rights in, the subsoil of or of the airspace over the land referred to in paragraph (1) of article 26 (compulsory acquisition of land) as may be required for any purpose for which that land may be acquired under that provision instead of acquiring the whole of the land.

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

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

- (a) Schedule 2A (counter-notice requiring purchase of land not in notice to treat) to the 1965 Act (as modified by article 31 (application of Part 1 of the 1965 Act));
- (b) Schedule A1 (counter-notice requiring purchase of land not in general vesting declaration) to the 1981 Act; and
- (c) section 153(4A) (blighted land: proposed acquisition of part interest; material detriment test) of the Town and Country Planning Act 1990.

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

### **Rights under or over streets**

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

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

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

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

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

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

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

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

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

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

- (a) enter on and take temporary possession of—
  - (i) the land specified in column (1) of Schedule 8 (land of which temporary possession may be taken) for the purpose specified in relation to that land in column (2) of that Schedule relating to the part of the authorised development specified in column (3) of that Schedule; and
  - (ii) any other Order land in respect of which no notice of entry has been served under section 11 (powers of entry) of the 1965 Act (other than in connection with the acquisition of rights only) and no declaration has been made under section 4 (execution of declaration) of the 1981 Act;
- (b) remove any buildings and vegetation from that land;
- (c) construct temporary works (including the provision of means of access) and buildings on that land; and
- (d) construct any permanent works specified in relation to that land as are mentioned in Schedule 1 (authorised development), or any mitigation works in connection with the authorised development.

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

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

- (a) in the case of land specified in paragraph (1)(a)(i), after the end of the period of one year beginning with the date of completion of the part of the authorised development specified in relation to that land in column (3) of Schedule 8, or
- (b) in the case of any land referred to in paragraph (1)(a)(ii), after the end of the period of one year beginning with the date of completion of the work for which temporary possession of the land was taken unless the undertaker has, by the end of that period, served a notice of entry under section 11 of the 1965 Act or made a declaration under section (4) of the 1981 Act in relation to that land.

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

- (a) replace a building removed under this article;
- (b) restore the land on which any permanent works have been constructed under paragraph (1)(d);
- (c) restore the land to a condition better than the relevant land was in before temporary possession;
- (d) remove any ground strengthening works which have been placed on the land to facilitate construction of the authorised development; or
- (e) remove any measures installed over or around statutory undertakers' apparatus to protect that apparatus from the authorised development.

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

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

(7) Any dispute as to the satisfactory removal of temporary works and restoration of land under paragraph (4) does not prevent the undertaker giving up possession of the land.

(8) Nothing in this article affects any liability to pay compensation under section 152 of the 2008 Act (compensation in case where no right to claim in nuisance) or under any other enactment in respect of loss or damage arising from the carrying out of the authorised development, other than loss or damage for which compensation is payable under paragraph (5).

(9) The undertaker may not compulsorily acquire under this Order the land referred to in paragraph (1)(a)(i) except that the undertaker is not to be precluded from—

- (a) acquiring new rights over any part of that land under article 29 (compulsory acquisition of rights and restrictive covenants); or
- (b) acquiring any part of the subsoil (or rights in the subsoil of or airspace over) that land under article 33 (acquisition of subsoil or airspace only).

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

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

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

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

- (a) enter upon and take temporary possession of any land within the Order limits if such possession is reasonably required for the purpose of maintaining the authorised development; and
- (b) construct such temporary works (including the provision of means of access) and buildings on the land as may be reasonably necessary for that purpose.

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

- (a) any house or garden belonging to a house; or
- (b) any building (other than a house) if it is for the time being occupied.

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

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

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

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

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

(6) Before giving up possession of land of which temporary possession has been taken under this article, the undertaker must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land but the undertaker is not required to restore the land to a condition better than the relevant land was in before temporary possession was taken.

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

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

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

(9) Nothing in this article affects any liability to pay compensation under section 152 of the 2008 Act (compensation in case where no right to claim in nuisance) or under any other enactment in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under paragraph (6).

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

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

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

### **Statutory undertakers**

**37.—**(1) Subject to the provisions of Schedule 10 (protective provisions), article 29 (compulsory acquisition of rights and restrictive covenants) and paragraph (2), the undertaker may—

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

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

- (a) Part 3 of the 1991 Act; and
- (b) article 38 of this Order (apparatus and rights of statutory undertakers in stopped up streets).

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

**38.—**(1) Where a street is stopped up under article 16 (permanent stopping up and restriction of use of streets and private means of access), any statutory utility whose apparatus is under, in, on, along or across the street has the same powers and rights in respect of that apparatus, subject to the provisions of this article, as if this Order had not been made.

(2) Where a street is stopped up under article 16 any statutory utility whose apparatus is under, in, on, over, along or across the street may, and if reasonably requested to do so by the undertaker must—

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

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

- (a) the execution of the relocation works required in consequence of the stopping up of the street; and

- (b) the doing of any other work or thing rendered necessary by the execution of the relocation works.

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

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

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

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

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

(6) An amount which, apart from this paragraph, would be payable to a statutory utility in respect of works by virtue of paragraph (3) (and having regard, where relevant, to paragraph (4)) must, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on the utility any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.

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

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

(8) In this article—

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

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

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

### **Recovery of costs of new connections**

**39.—**(1) Where any apparatus of a public utility undertaker or of a public communications provider is removed under article 37 (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.

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(tt) There are amendments to this Act which are not relevant to this Order.



(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 37, any person who is—

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

(3) This article does not have effect in relation to apparatus to which article 38 (apparatus and rights of statutory undertakers in stopped up streets) or Part 3 of the 1991 Act applies.

(4) In this paragraph—

“public communications provider” has the same meaning as in section 151(1) of the Communications Act 2003<sup>(uu)</sup>; and

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

## PART 6

### OPERATIONS

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

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

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

(2) In carrying out any activity authorised by paragraph (1) or (4), the undertaker must do no unnecessary damage to any tree or shrub and must pay compensation to any person for any loss or damage arising from such activity.

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

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

- (a) remove any hedgerow described in Part 1 of Schedule 9 (removal of hedgerows) that is required to be removed; and
- (b) Without limitation on the scope of sub-paragraph (1), and with the consent of the local authority in whose area the hedgerow is located, remove any hedgerow within the Order limits.

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

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

(7) In this article “hedgerow” has the same meaning as in the Hedgerow Regulations 1997<sup>(vv)</sup> and includes important hedgerows.

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<sup>(uu)</sup> There are amendments to this Act which are not relevant to this Order.

<sup>(vv)</sup> S.I. 1997/1160.

### **Trees subject to tree preservation orders**

**41.**—(1) The undertaker may fell or lop any tree described in Part 2 of Schedule 9 (trees subject to tree preservation orders) or cut back its roots or undertake such other works described in column (2) of that Schedule relating to the relevant part of the authorised development described in column (3) of that Schedule, if it reasonably believes it to be necessary in order to so to prevent the tree or shrub—

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

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

- (a) the undertaker shall 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; and
- (b) the duty contained in section 206(1) (replacement of trees) of the 1990 Act shall not apply.

(3) The authority given by paragraph (1) shall constitute 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, shall be determined under Part 1 of the 1961 Act.

## **PART 7**

### **MISCELLANEOUS AND GENERAL**

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

**42.**—(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**

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

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

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

- (a) the defendant shows that the nuisance—
  - (i) relates to premises used by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised development and that the nuisance is attributable to the carrying out of the authorised development in accordance with a notice served under section 60 (control of noise on construction site), or a consent given under section 61 (prior consent for work on construction site) of the Control of Pollution Act 1974(**xx**); or
  - (ii) is a consequence of the construction or maintenance of the authorised development and that it cannot reasonably be avoided; or
- (b) the defendant shows that the nuisance is a consequence of the use of the authorised development and that it cannot reasonably be avoided.

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

## **Protection of interests**

**45.** Schedule 10 (protective provisions) to the Order has effect.

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

**46.—**(1) As soon as practicable after the making of this Order, the undertaker must submit copies of each of the plans and documents set out in Schedule 12 (documents to be certified) to the Secretary of State for certification as true copies of those plans and documents.

(2) Where any plan or document set out in Schedule 12 requires to be amended to reflect the terms of the Secretary of State's decision to make the Order, that plan or document in the form amended to the Secretary of State's satisfaction is the version of the plan or document required to be certified under paragraph (1).

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

## **Service of notices**

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

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

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

- (a) by post;
- (b) by delivering it to the person on whom it is to be served or to whom it is to be given or supplied; or
- (c) with the consent of the recipient and subject to paragraphs (5) to (8) by electronic transmission.

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

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

- (a) in the case of the secretary or clerk of a body corporate, the registered or principal office of that body; and
- (b) in any other case, the last known address of that person at the time of service.

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

- (a) addressing it to that person by name or by the description of “owner”, or as the case may be “occupier”, of the land (describing it); and
- (b) either leaving it in the hands of a person who is or appears to be resident or employed on the land or leaving it conspicuously affixed to some building or object on or near the land.

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

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

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

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

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

- (a) that person must give notice in writing or by electronic transmission revoking any consent given by that person for that purpose; and
- (b) such revocation will be final and will take effect on a date specified by the person in the notice but that date must not be less than 7 days after the date on which the notice is given.

(9) This article will not be taken to exclude the employment of any method of service not expressly provided for by it.

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(yy) 1978 c. 30. 29.

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

### **Arbitration**

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

Signed by authority of the Secretary of State for Transport

|         |                                                      |
|---------|------------------------------------------------------|
| Address | <i>Name</i>                                          |
| Date    | Parliamentary Under Secretary of State<br>Department |

# SCHEDULES

## SCHEDULE 1

Articles 2 and 3

### AUTHORISED DEVELOPMENT

#### **In the administration area of Northumberland County Council**

A nationally significant infrastructure project as defined in sections 14 and 22(1) and 22(1) of the 2008 Act,(zz) and associated development as defined in section 115(2) (development for which development consent may be granted) of the 2008 Act(aaa), comprising:

**Work No. 1a** - A new northbound carriageway adjacent to the existing A1 from Warreners House Junction to Highlaws Junction 2907m in length commencing at grid reference 418213E; 588445N and terminating at grid reference 418517E; 591320N; and

**Work No. 1b** - The alteration of existing A1 Trunk Road to provide southbound dual carriageway from Warreners House Junction to Highlaws Junction 2907m in length commencing at grid reference 4182225E; 588444N and terminating at grid reference 418529E; 591322N.

**Work No. 2a** - a new offline northbound carriageway of the A1 dual carriageway 6894m in length commencing at grid reference 418517E; 591320N and terminating at grid reference 417526E; 597847N.

**Work No. 2b** - a new offline southbound carriageway of the A1 dual carriageway 6896m in length commencing at grid reference 418529E; 591322N and terminating at grid reference 417539E; 597850N.

**Work No. 3a** - The alteration of the existing A1 to provide northbound dual carriageway 2950m in length commencing at grid reference 417526E; 597847N and terminating at grid reference 417476E; 600795N.

**Work No. 3b** - a new southbound carriageway adjacent to the existing A1 2947m in length commencing at grid reference 417539E; 597850N and terminating at grid reference 417488E; 600795N.

**Work No. 4** - A new bridge spanning the River Coquet comprising a three-span continuous bridge deck with two supporting piers. Work No –

- (a) the installation of spaced piles within the area marked Work No. 4a on the works plans;
- (b) the installation of scour protection on the north side of the River Coquet at the location marked Work no. 4b on the works plans;
- (c) the installation of scour protection on the south side of the River Coquet at the location marked Work no. 4c on the works plans; and
- (d) The installation of a temporary bridge over the River Coquet at the location marked Work no. 4d on the works plans;

together with:

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

(aaa) Section 115(2) was amended by section 160(1) and (3) of the Housing and Planning Act 2016 (c.22). There are other amendments to section 115(2) but none are relevant.

- (i) The construction to include any new pavement, embankments, retaining walls, ground improvements, drainage, road signs, communications ducting, utility diversions, and landscaping; and to create 1 carriageway of 2no. lanes each.
- (ii) The widening, alteration and realignment of the existing highway to include any new pavement, embankments, retaining walls, ground improvements, associated engineering, drainage, road signs, communications ducting, utility diversions, and landscaping to create 1 carriageway of 2no. lanes;
- (iii) The provision of a hardened central reserve with a rigid concrete barrier or steel step barrier dividing the southbound and northbound carriageways; and
- (iv) The provision of temporary river training works within the River Coquet.

**Work No. 5a** - The improvement of the existing road known as West View, to include alteration for a new footpath to the east side and new pavement 183m in length with inclusion of 9no. parking spaces, realignment of the existing turning circle commencing at grid reference 418258E; 587954N and terminating at grid reference 418259E; 588134N. including -

- (i) Removal of existing road lighting and installation of new lighting columns within the highway verge; and
- (ii) Associated drainage, utility works and diversions.

**Work No. 5b** - a new access track 832m in length to the north of the West View turning circle commencing at grid reference 418259E; 5888134N and terminating at grid reference 418254E; 588647N.

**Work No. 5c** - a new access track 150m in length off Work No 6b to Warreners House commencing at grid reference 418320E; 588418N and terminating at grid reference 418245E; 588543N.

**Work No. 5d** - a new access track 326m in length to private land commencing at grid reference 418257E; 588725N and terminating at grid reference 418264E; 589045N.

**Work No. 6** - a new access track 226m in length for maintenance of drainage swale commencing at grid reference 417981E; 588727N and terminating at grid reference 418181E; 588641N.

**Work No. 7** - a new culvert 75m in length commencing at grid reference 418272E; 589462N and terminating at grid reference 418342E; 589461N.

**Work No. 8a** – a slip road single lane carriageway for northbound off-access to Highlaws Junction 165m in length commencing at grid reference 418363E; 589667N and terminating at grid reference 418362E; 589815N.

**Work No. 8b** - Alteration and alignment of the existing road known as High Highlaws Road to create a single carriageway two lane connection to Highlaws Junction 240m in length commencing at grid reference 418140E; 589691N and terminating at grid reference 418335E; 589824N.

**Work No. 8c** - a new access track 1450m in length for maintenance of detention basin commencing at grid reference 418266E; 589761N and terminating at grid reference 418492E; 591111N.

**Work No. 8d** - a single span single carriageway overbridge crossing the new A1 carriageways 390m in length commencing at grid reference 418362E; 589815N and terminating at grid reference 418543E; 589777N.

**Work No. 8e** - a slip road single lane carriageway for northbound on-access to the A1 from Highlaws Junction 243m in length commencing at grid reference 418362E; 589815N and terminating at grid reference 418444E; 590029N.

**Work No. 8f** - a slip road single lane carriageway for southbound off-access to Highlaws Junction 177m in length commencing at grid reference 418465E; 589773N and terminating at grid reference 418444E; 589919N.

**Work No. 8g** - a new access track 870m in length for private access commencing at grid reference 418629E; 589777N and terminating at grid reference 418549E; 590567N.

**Work No. 8h** - Widening and resurfacing of the existing road known as Hebron Road as part of Highlaws Junction works 177m in length commencing at grid reference 418465E; 589773N and terminating at grid reference 418644E; 589774N.

**Work No. 8i** - a slip road single lane carriageway for southbound on-access to the A1 from Highlaws Junction 237m in length commencing at grid reference 418359E; 589583N and terminating at grid reference 418465E; 589773N.

**Work No. 8j** - a new access 275m in length for private access commencing at grid reference 418369E; 589555N and terminating at grid reference 418490E; 589770N.

**Work No. 9a** - a new access 195m in length for private access commencing at grid reference 418016E; 592405N and terminating at grid reference 418211E; 592415N.

**Work No. 9b** - Alteration and alignment of the existing road known as Fenrother Lane West to create a single carriageway two lane connection to Fenrother Junction 240m in length commencing at grid reference 418047E; 592436N and terminating at grid reference 418207E; 592534N.

**Work No. 9c** - a slip road single lane carriageway for northbound off-access to Fenrother Junction 362m in length commencing at grid reference 418302E; 592458N and terminating at grid reference 418256E; 592597N.

**Work No. 9d** - a slip road single lane carriageway for northbound on-access to the A1 from Fenrother Junction 220m in length commencing at grid reference 418256E; 592597N and terminating at grid reference 418293E; 592804N.

**Work No. 9e** - a new access 499m in length for private access commencing at grid reference 418058E; 592664N and terminating at grid reference 418279E; 593048N.

**Work No. 9f** - a slip road single lane carriageway for southbound off-access to Fenrother Junction 190m in length commencing at grid reference 418372E; 592620N and terminating at grid reference 418311E; 592772N.

**Work No. 9g** - a single span single carriageway overbridge crossing the new A1 carriageways 362m in length commencing at grid reference 418409E; 592609N and terminating at grid reference 418256E; 592597N.

**Work No. 9h** - a slip road single lane carriageway for southbound on-access to the A1 from Fenrother Junction 245m in length commencing at grid reference 418325E; 592415N and terminating at grid reference 418372E; 592620N.

**Work No. 9i** - a 2 No. lane road single carriageway 685m in length from Fenrother Lane East to detrunked A1 for local access commencing at grid reference 418372E; 592620N and terminating at grid reference 418867E; 592836N.

**Work No. 10a** - De-trunking works to the existing A1 Trunk Road crossing the River Lyne to Fenrother Lane East 1166m in length commencing at grid reference 418536E; 591486N and terminating at grid reference 418783E; 592593N.

**Work No. 10b** - De-trunking works to the existing A1 Trunk Road from Portland House to Bockenfield Bridge 4948m in length commencing at grid reference 418867E; 592836N and terminating at grid reference 418822E; 59732N.



**Work No. 11a** - an access track from Causey Park Road to the existing access track to New Houses Farm 1363m in length commencing at grid reference 418536E; 594025N and terminating at grid reference 418468E; 595155N.

**Work No. 11b** - an access track from Causey Park Road to private land 191m in length commencing at grid reference 418499E; 595168N and terminating at grid reference 418597E; 595303N.

**Work No. 11c** - a new overbridge as an integral single span bridge 360m in length, having a clear span between the abutments of 33 m and a headroom height of 6m commencing at grid reference 418477E; 595159N and terminating at 418825E; 595252N;

**Work No. 11d** - a new access 97m in length for maintenance of detention basin commencing at grid reference 418794E; 594666N and terminating at grid reference 418881E; 594721N.

**Work No. 11e** - a maintenance access track to detention basin commencing at grid reference 418475E, 595754N, and terminating at grid reference 418523E, 595778N.

**Work No. 12a** - Diversion of National Grid Feeder 13 High Pressure gas main under the (new) A1 carriageway 630m in length commencing at grid reference 418571E; 594666N and terminating at grid reference 418861E; 595042N, including-

- (i) Temporary access and working areas required for the tie ins to the existing apparatus to include deep pit excavations sized to allow sufficient and safe access and egress of the pits, for pipeline tie-in operations; and,
- (ii) Landscaping.

**Work No. 12b** - Diversion underground of Northern Power Grid 20Kv High Voltage line 1377m in length commencing at grid reference 418715E; 594473N and terminating at grid reference 418616E; 595252N and Northern Gas Network Medium Pressure gas main 1233m in length commencing at grid reference 418796E; 594562N and terminating at grid reference 418633E; 595254N under the (new) A1 carriageway.

**Work No. 13** - a new culvert 77m in length commencing at grid reference 418270E; 596540N and terminating at grid reference 418337E; 596577N.

**Work No. 14** - an underbridge at Burgham Park as an integral single span bridge having a clear span between the abutments of 11m and a headroom height of 6.5m commencing at grid reference 417922E; 596845N and terminating at 418181E; 596956N.

**Work No. 15** – extension of existing culvert 76m in length commencing at grid reference 417798E; 597306N and terminating at grid reference 417868E; 597336N.

**Work No. 16a** - a new access 242m in length for private access off Bywell Road commencing at grid reference 417570E; 597651N and terminating at grid reference 417466E; 597863N.

**Work No. 16b** - Alteration and realignment of the existing road known as Bywell Road from east of the A1 to the junction with West Moor Road 1208m in length commencing at grid reference 417254E; 597777N and terminating at grid reference 417334E; 597794N; including-

- (i) new pavement, embankments, retaining walls, ground improvements, drainage, road signs, communications ducting, utility diversions, and landscaping.

**Work No. 16c** - a slip road single lane carriageway for northbound off-access to West Moor Junction 167m in length commencing at grid reference 417429E; 598710N and terminating at grid reference 417379E; 598851N.

**Work No. 16d** - Alteration and realignment of the existing road know as West Moor Road to create a single carriageway two-lane connection to West Moor Junction retaining existing road for access 249m in length commencing at grid reference 417174E; 598703N and terminating at grid reference 417357E; 598851N.

**Work No. 16e** - a single span overbridge crossing the new A1 carriageways 324m in length commencing at grid reference 417379E; 598851N and terminating at grid reference 417517E; 598874N.

**Work No. 16f** - a slip road single lane carriageway for northbound on-access to the A1 from West Moor Junction 221m in length commencing at grid reference 417379E; 598851N and terminating at grid reference 417414E; 599055N.

**Work No. 16g** - a slip road single lane carriageway for southbound off-access to West Moor Junction 166m in length commencing at grid reference 417479E; 598851N and terminating at grid reference 417434E; 598987N.

**Work No. 16h** - a new access 954m in length off Felton Road for maintenance of detention basin commencing at grid reference 417605E; 598906N and terminating at grid reference 417516E; 599735N.

**Work No. 16i** - Realignment and resurfacing of the existing road known as Felton Road as part of West Moor Junction works 185m in length commencing at grid reference 417547E; 598866N and terminating at grid reference 417703E; 598966N.

**Work No. 16j** - Construction of a roundabout carriageway 130m in length at West Moor Junction and Felton Road commencing at grid reference 417502E; 598848N and terminating at grid reference 417502E; 598848N.

**Work No. 16k** - a slip road single lane carriageway for southbound on-access to the A1 from West Moor Junction 242m in length commencing at grid reference 417453E; 598645N and terminating at grid reference 417502E; 598848N.

**Work No. 16l** - a new link road from West Moor Junction roundabout to Bockenfield Bridge 1548m in length commencing at grid reference 417822E; 597362N and terminating at grid reference 417527E; 598826N. including -

- (i) new pavement, embankments, retaining walls, ground improvements, drainage, road signs, communications ducting, utility diversions, and landscaping.

**Work No. 17** - a new culvert and open engineered ditches 223m in length commencing at grid reference 417457E; 598041N and terminating at grid reference 417542E; 598196N.

**Work No. 18** - Extension of Parkwood Subway to include associated embankments, hardstanding for land access and other substructure and superstructure elements and provision of lighting, in order to accommodate the highway widening 26m in length commencing at grid reference 417452E; 600343N and terminating at grid reference 417478E; 600341N.

**Work No. 19** – extension of an existing culvert 137m in length commencing at grid reference 417418E; 600436N and terminating at grid reference 417529E; 600361N.

**Work No. 20** - a new access 333m in length off the B6345 for maintenance of detention basin commencing at grid reference 417513E; 600608N and terminating at grid reference 417690E; 600679N.

**Work No. 21a** - Alteration of existing A1 to provide the northbound carriageway of the A1 dual carriageway from Denwick Burn to Rock Lodge, 5174m in length commencing at grid reference 419689E; 615320N and terminating at grid reference 417855E; 620158N.

**Work No. 21b** – Construction of new southbound carriageway of the A1 dual carriageway from Denwick Burn to Rock Lodge, 5174m in length commencing at grid reference 419700E; 615324N and terminating at grid reference 417866E; 620162N.

with Works No.21a and 21b including -

- (i) The construction to include any new pavement, embankments, retaining walls, ground improvements, associated engineering, drainage, road signs, communications

ducting, utility diversions, and landscaping to create 1 carriageway of 2no. lanes each;

- (ii) The widening, alteration and realignment of the existing highway to include any new pavement, embankments, retaining walls, ground improvements, associated engineering, drainage, road signs, communications ducting, utility diversions, and landscaping to create 1 carriageway of 2no. lanes;
- (iii) The provision of a steel safety barrier dividing the southbound and northbound carriageways; and
- (iv) The removal and reinstallation of Traffic Monitoring Units (TMU), ancillary solar power units, across northbound and southbound carriageways.

**Work No. 22a** – Construction of new northbound carriageway of the A1 dual carriageway from Rock Lodge to West Linkhall, 1368m in length commencing at grid reference 417855E; 620158N and terminating at grid reference 417364E; 621420N.

**Work No. 22b** - Construction of new southbound carriageway of the A1 dual carriageway from Rock Lodge to West Linkhall, 1373m in length commencing at grid reference 417866E; 620162N and terminating at grid reference 417374E; 621426N.

with Works No.22a and 22b including -

- (i) The construction to include any new pavement, embankments, retaining walls, ground improvements, associated engineering, drainage, road signs, communications ducting, utility diversions, and landscaping to create 1 carriageway of 2no. lanes each;
- (ii) The widening, alteration and realignment of the existing highway to include any new pavement, embankments, retaining walls, ground improvements, associated engineering, drainage, road signs, communications ducting, utility diversions, and landscaping to create 1 carriageway of 2no. lanes; and
- (iii) The provision of a steel safety barrier dividing the southbound and northbound carriageways.

**Work No. 23a** - Alteration of existing A1 to provide the northbound carriageway of the A1 dual carriageway from West Linkhall to North Charlton, 1353m in length commencing at grid reference 417364E; 621420N and terminating at grid reference 417009E; 622682N.

**Work No. 23b** – Construction of new southbound carriageway of the A1 dual carriageway from West Linkhall to North Charlton, 1345m in length commencing at grid reference 417374E; 621426N and terminating at grid reference 417021E; 622682N.

with Works No. 23a and 23b including -

- (i) The construction to include any new pavement, embankments, retaining walls, ground improvements, associated engineering, drainage, road signs, communications ducting, utility diversions, and landscaping to create 1 carriageway of 2no. lanes each;
- (ii) The widening, alteration and realignment of the existing highway to include any new pavement, embankments, retaining walls, ground improvements, associated engineering, drainage, road signs, communications ducting, utility diversions, and landscaping to create 1 carriageway of 2no. lanes; and,
- (iii) The provision of a steel safety barrier dividing the southbound and northbound carriageways.

**Work No. 24** – Realignment of the 66kV electrical cable to service the Middlemoor Wind Farm. Realignment of 7830m in length commencing at grid reference 419745E; 615287N and terminating at grid reference 416993E; 622114N;

with Work No. 24 including -

- (i) Temporary access and working areas required for the tie-ins to the existing apparatus; and
- (ii) Landscaping to return to original land use.

**Work No. 25a** – Construction of new access point and maintenance track to detention basin, 495m in length commencing at grid reference 419647E; 615619N and terminating at grid reference 419450E; 616028N.

**Work No. 25b** – Construction of new access point and maintenance track to detention basin, 78m in length commencing at grid reference 419462E; 616022N and terminating at grid reference 419432E; 616077N.

**Work No. 26** – Construction of new maintenance access track to detention basin, 662m in length commencing at grid reference 418803E; 616258N and terminating at 419197E; 616580N.

**Work No. 27** – Construction of Heckley Fence Overbridge and associated ramps over the widened A1, 330m in length commencing at grid reference 418806E; 617254N and terminating at grid reference 419122E; 617348N.

**Work No. 28** – Construction of new access track to detention basin, 210m in length commencing at grid reference 418410E; 618609N and terminating at grid reference 418305E; 618779N.

**Work No. 29a** – Realignment and resurfacing of B6341, 528m in length commencing at grid reference 417807E; 620019N and terminating at grid reference 417666E; 620521N.

**Work No. 29b** – Realignment and resurfacing of Rock Nab access, 56m in length commencing at grid reference 417732E; 620184N and terminating at grid reference 417785E; 620200N.

**Work No. 29c** – Realignment and resurfacing of B6347, as part of the new Charlton Mires Junction, 170m in length commencing at grid reference 417475E; 620455N and terminating at grid reference 417629E; 620526N.

**Work No. 29d** – Construction of a northbound slip road from realigned A1 as part of the wider junction works at Charlton Mires Junction, 131m in length commencing at grid reference 417762E; 620447N and terminating at grid reference 417709E; 620557N.

**Work No. 29e** – Construction of roundabout as part of the wider junction works at Charlton Mires Junction 132m in length commencing at grid reference 417662E; 620557N and terminating at grid reference 417662E; 620557N.

**Work No. 29f** – Construction of carriageway and northbound slip road as part of junction works at Charlton Mires Junction, 191m in length commencing at grid reference 417672E; 620552N and terminating at grid reference 417707E; 620709N.

**Work No. 29g** – Construction of a single span single carriageway overbridge crossing the new A1 carriageways and associated ramps at Charlton Mires Junction, 371m in length commencing at grid reference 417641E; 620564N and terminating at grid reference 417821E; 620627N.

**Work No. 29h** – Construction of local access road linking Charlton Mires Junction and West Linkhall, 714m in length. commencing at grid reference 417631E; 620676N and terminating at grid reference 417420E; 621288N.

**Work No. 29i** – Construction of local access road linking Charlton Mires Junction and East Linkhall, 1294m in length commencing at grid reference 417795E; 620712N and terminating at grid reference 417173E; 621821N.

**Work No. 29j** – Construction of a southbound slip road from realigned A1 as part of the wider junction works at Charlton Mires Junction, 138m in length. commencing at grid reference 417776E; 620626N and terminating at grid reference 417723E; 620738N.

**Work No. 29k** – Realignment and resurfacing of B6347, as part of the new Charlton Mires Junction, 166m in length commencing at grid reference 417943E; 620625N and terminating at grid reference 417777E; 620624N.

**Work No. 29l** – Construction of a southbound slip road as part of Charlton Mires Junction, 144m in length commencing at grid reference 417773E; 620487N and terminating at grid reference 417776E; 620620N.

**Work No. 30a** – Realignment and resurfacing of Rock Midstead access road, 62m in length, commencing at grid reference 418466E; 620578N and terminating at grid reference 418450E; 620519N.

**Work No. 30b** – Construction of new local access road linking Rock Midstead and Rock South Farm, to be adopted. 1954m in length commencing at grid reference 418464E; 620543N and terminating at grid reference 419174E; 618894N.

**Work No. 31** – Construction of Kittycarter Burn diversion, 166m in length commencing at grid reference 417846E; 620631N and terminating at grid reference 417832E; 620787N.

**Work No. 32** – Construction of a new agricultural track, 169m in length commencing at grid reference 417399E; 621294N and terminating at grid reference 417319E; 621431N.

**Work No. 33** – Construction of culvert extension (Whitehouse Burn) under the new southbound carriageway of the A1 dual carriageway, 33m in length commencing at grid reference 418377E; 618792N and terminating at grid reference 418401E; 618815N.

**Work No. 34** – Construction of culvert extension (Linkhall) under the new southbound carriageway of the A1 dual carriageway, 68m in length commencing at grid reference 417582E; 621024N and terminating at grid reference 417649E; 621033N.

**Work No. 35** – Construction of culvert extension (Shipperton Burn) under the A1 dual carriageway, 49m in length commencing at grid reference 417040E; 621979N and terminating at grid reference 417089E; 621975N.

**Work No. 36** – Construction of new culvert (Rock Culvert) under the new access road linking Rock Midstead and Rock South Farm, 14m in length commencing at grid reference 418846E; 620131N and terminating at grid reference 418859E; 620134N.

**Work No. 37** – Construction of culvert extension (Denwick Burn) under the new southbound carriageway of the A1 dual carriageway, 101m in length commencing at grid reference 419234E; 616609N and terminating at grid reference 419163E; 616681N.

**Work No. 38** - Construction of Shipperton Burn diversion, 45m in length commencing at grid reference 417089E; 621975N and terminating at grid reference 417113E; 621937N.

In connection with the construction of any of those works, and to the extent that they do not otherwise form part of any such work, and whether or not shown on the plans referred to in the requirements further development within the order limits which does not give rise to any materially new or materially different environment effects in comparison with those associated in the environmental statement consisting of –

(a) drainage works including of:-

- (i) The provision of water drainage features - swale centred at grid reference 418183E, 588768N; and
- (ii) detention basins centred at 418484E, 589819N; 418469E, 591174N; 418542E, 591738N; 418175E, 592594N; 418822E, 592589N; 418588E, 594408N; 418755E, 594692N; 418552E, 595801N; 418203E, 596898N; 417797E, 597484N; 417745E, 597564N; 417483E, 599053N; 417382E, 598805N; 417480E, 598799N; 417482E, 599619N; 417553E, 600538N; 419721E, 615594N; 419148E, 616614N; 418303E, 618855N; 417709E, 620502N; 417670E, 620613N; and 417764E, 620859N;

- (b) alteration of the layout of any street permanently or temporarily, including but not limited to realignment of carriageways and increasing the width of the carriageway of the street by reducing the width of any kerb, footpath, footway, cycle track or verge within the street; altering the level or increasing the width of any such kerb, footway, cycle track or verge; and reducing the width of the carriageway of the street;
- (c) demolition of existing verge mounted road signs and installation of replacement new road signs including sign foundations, sign structure, signs, sign illumination, technology cabinets, power and communication cable connections;
- (d) associated utility works and diversions within the highway verge of each carriageway;
- (e) installation of automatic traffic monitoring equipment with associated ducting;
- (f) installation of weather station monitoring equipment with associated ducting;
- (g) ramps, means of access, footpaths, bridleways, cycle tracks, embankments, aprons, abutments, shafts, foundations, retaining walls, wing walls, bunds, embankment swales, fencing, boundary treatments and highway lighting and culverts;
- (h) street works including breaking up or opening a street, or any sewer, drain or tunnel under it, tunnelling or boring under a street, work to place or maintain apparatus in a street, works to alter the position of apparatus, including mains, sewers, drains and cables;
- (i) the provision of thin surface course and carriageway markings;
- (j) temporary and permanent diversion of utilities apparatus, including gas and water pipelines and electric and telecommunication cables;
- (k) earthworks, including the extension of earthworks;
- (l) retaining structures;
- (m) barriers, including safety barriers;
- (n) refurbishment works to any existing bridge or gantry;
- (o) works to alter the course of, or otherwise interfere with a watercourse, including without limitation works to the River Coquet including temporary culverting;
- (p) landscaping, noise barriers, works associated with the provision of ecological mitigation and other works to mitigate any adverse effects of the construction, maintenance or operation of the authorised development;
- (q) works for the benefit or protection of land affected by the authorised development;
- (r) works to place, alter, remove or maintain road furniture;
- (s) site preparation works, site clearance (including fencing, vegetation removal, demolition of existing structures and the creation of alternative footpaths); earthworks (including soils stripping, storage, and site levelling);
- (t) the felling of trees and hedgerows;
- (u) the establishment of site construction compounds, storage areas, temporary vehicle parking, construction fencing, perimeter enclosure, security fencing, construction related buildings, welfare facilities, construction lighting, haulage roads and other machinery apparatus, works and conveniences;
- (v) the provision of other works including pavements works, kerbing and paved areas works, signing, signals gantries, road markings, traffic management measures including temporary roads and such other works as are associated with the construction of the authorised development;
- (w) such other works, minor working sites storage areas, works of demolition or works of whatever nature as may be necessary or expedient for the purposes of, or for purposes associated with or ancillary to, the construction, operation or maintenance of the authorised development; and

- (x) such other works, construction of advanced directional gantry signs, including sign foundations and sign structures, installation of road signs including sign foundations, sign structure, signs, signals, sign illumination, control cabinets, power and communication cable connections, associated utility works and diversions within the highway verge of each carriageway; and installation of CCTV, Motorway Incident Detection and Automated Signalling and traffic counting equipment with associated ducting.

## SCHEDULE 2

Article 3

### REQUIREMENTS

#### PART 1

#### REQUIREMENTS

##### Interpretation

**1.** In this Schedule—

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

“culvert management plan” means the document of that description listed in Schedule 12 and certified as the culvert management plan by the Secretary of State for the purposes of this Order;

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

“HEMP” means the handover environmental management plan, to be developed and completed by the end of the construction, commissioning and handover stage of the authorised development; “the Manual of Contract Documents for Highway Works” means the document of that name published electronically by or on behalf of the strategic highway authorities for England, Scotland, Wales and Northern Ireland, or any equivalent replacement published for that document;

“LEMP” means the landscape and ecological management plan to be prepared in terms of paragraph 17;

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

“outline ancient woodland strategy” means the document of that description listed in Schedule 12 and certified as the outline ancient woodland strategy by the Secretary of State for the purposes of this Order;

“outline CEMP” means the document of that description submitted with the application for this order and certified as the outline CEMP by the Secretary of State for the purposes of this Order; and

“REAC” means the register of environmental actions and commitments (Section 3 of the Outline CEMP, application document TR010041/APP/7.3).

##### Time limits

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

##### Detailed design

- 3.** —(1) The authorised development must be designed in detail and carried out in accordance with the preliminary scheme design shown on the engineering drawings and sections and the

(**bbb**) S.I. 2017/1012.

(**ccc**) S.I. 2010/490 to which there are amendments not relevant to this Order.

(**ddd**) 1981 c. 69.



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

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

### **Construction and handover environmental management plans**

4. —(1) No part of the authorised development is to commence until a CEMP, substantially in accordance with the outline CEMP, for that part has been submitted to and approved in writing by the Secretary of State, following consultation with the environment agency and relevant planning authority to the extent that it relates to matters relevant to its function.

(2) The CEMP must be written in accordance with ISO14001 and must—

- (a) reflect the mitigation measures set out in the REAC;
- (b) contain a record of all sensitive environmental features that have the potential to be affected by the construction of the proposed development;
- (c) require adherence to working hours of 07:00–19:00 Mondays to Fridays except for—
  - (i) night-time closures for bridge demolition and installation;
  - (ii) any oversize deliveries or deliveries where daytime working would be excessively disruptive to normal traffic operation;
  - (iii) junction tie-in works;
  - (iv) removal of overhead power lines;
  - (v) overnight traffic management measures;
  - (vi) cases of emergency; and
  - (vii) as otherwise agreed by the relevant planning authority in advance;
- (d) include the following management plans—
  - (i) Dust Management Plan;
  - (ii) Noise and Vibration Management Plan;
  - (iii) Site Waste Management Plan;
  - (iv) Environmental Control Plan: Invasive Species;
  - (v) Environmental Control Plan: General Ecology;
  - (vi) Soil Management Plan;
  - (vii) Surface Water Management Plan;
  - (viii) Control Of Substances Harmful to Health Material, Waste Storage and Refuelling Plan;
  - (ix) Resource Use Management Plan;
  - (x) Materials Management Plan;
  - (xi) Contaminated Land Management Plan;
  - (xii) Pollution Prevention Plan;
  - (xiii) Communications Plan;
  - (xiv) Public Rights of Way Management Plan;
  - (xv) Emergency Flood Response Plan; and
  - (xvi) A Signage Strategy

(3) The undertaker may prepare the management plans required by sub-paragraph (2) either as part of the CEMP or as free standing documents provided that any free-standing management plan must comply with sub-paragraph (1).

(4) In deciding whether to approve a CEMP submitted in terms of sub-paragraph (1), the Secretary of State may require the undertaker to submit a LEMP for the further approval of the Secretary of State in respect of any specified matters, following consultation with the environment agency and relevant planning authority to the extent that it relates to matters relevant to its function

(5) The construction of the authorised development must be carried out in accordance with the approved CEMP, any approved management plan prepared in terms of sub-paragraph (3) and the approved LEMP.

(6) A HEMP must be developed and completed by the end of the construction, commissioning and handover stage of the authorised development, in accordance with the process set out in the approved CEMP, any approved management plan prepared pursuant to sub-paragraph (3) and the approved LEMP

(7) The HEMP must address the matters set out in the approved CEMP, any approved management plan prepared pursuant to sub-paragraph (3) and the approved LEMP that are relevant to the operation and maintenance of the authorised development, and must contain—

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

(8) The authorised development must be operated and maintained in accordance with the HEMP.

## **Landscaping**

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

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

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

- (a) location, number, species mix, size and planting density of any proposed planting;
- (b) cultivation, importing of materials and other operations to ensure plant establishment;
- (c) existing trees to be retained, with measures for their protection during the construction period;
- (d) a strategy for the replacement of trees which are to be removed at Coronation Avenue;
- (e) proposed finished ground levels; and
- (f) implementation timetables for all landscaping works.

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

(5) Any tree or shrub planted as part of the landscaping scheme that, within a period of 5 years after planting, is removed, dies or becomes in the opinion of the relevant planning authority,

seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same species and size as that originally planted, unless the Secretary of State, following consultation with the relevant planning authority on matters related to its function, gives consent to a variation.

### **Contaminated land and groundwater**

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

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

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

### **Protected species**

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

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

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

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

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

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

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

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

(2) The surface and foul water drainage system must be constructed in accordance with the approved details, unless otherwise agreed in writing by the Secretary of State following consultation with the relevant planning authority on matters related to its function, provided that the Secretary of State is satisfied that any amendments to the approved details would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.

(3) The undertaker shall undertake the measures set out in the culvert management plan.

### **Archaeological remains**

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

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

(3) A copy of any analysis, reporting, publication or archiving required as part of the written scheme referred to in sub-paragraph (1) must be deposited with the Historic Environment Record of the relevant planning authority within one year of the date of completion of the authorised development or such other period as may be agreed in writing by the relevant planning authority or specified in the written scheme referred to in sub-paragraph (1).

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

(5) No construction operations are to take place within 10 metres of the remains referred to in sub-paragraph (4) for a period of 14 days from the date of any notice served under sub-paragraph (4) unless otherwise agreed in writing by the relevant planning authority.

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

### **Safeguarding of milestones**

**10.**—(1) No part of the authorised development is to commence until a written scheme for the protection of the grade II listed milestones with National Heritage Numbers 1371039, 1371021, 1370646, 1303996, 1153544 and 1042132 and the non-designated milestone Historic Environment Record Reference 16878 has been submitted to and approved by the Secretary of State in consultation with the relevant planning authority, Historic England and the Milestone Society.

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

### **Traffic management**

**11.**—(1) No part of the authorised development is to commence until a construction traffic management plan for that part has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority on matters related to its function. The construction traffic management plan must be based on the outline CTMP.

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

## **Amendments to approved details**

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

## **Fencing**

13. Any permanent and temporary fencing and other means of enclosure for the authorised development must be constructed and installed in accordance with Volume 1, Series 0300 of the Manual of Contract Documents for Highway Works except where any departures from that manual are agreed in writing by the Secretary of State in connection with the authorised development.

## **Public rights of way**

14. No part of Work No. 4 is to commence until the design of the relocated footpath to the south of the River Coquet between points PR9/1 and PR9/2 on Sheet 9 of the rights of way and access plans has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority on matters related to its function.

## **Ancient Woodland**

15.—(1) No removal of ancient woodland is to take place until an ancient woodland strategy has been submitted to and approved in writing by the Secretary of State, following consultation with Natural England and the relevant planning authority on matters related to its functions.

(2) The ancient woodland strategy required by sub-paragraph (1) shall—

- (a) be based on the outline ancient woodland strategy;
- (b) include proposals for compensatory planting for the woodland lost at a ratio of 12:1;
- (c) include an ancient woodlands management and monitoring plan.

(3) The authorised development must be constructed in accordance with the ancient woodland strategy referred to in sub-paragraph (1).

## **Works in River Coquet**

16.—(1) No part of Work No. 4 is to commence until the following details have been submitted to and approved in writing by the Secretary of State, following consultation with the environment agency, Natural England and the relevant planning authority on matters related to its function—

- (a) the design of the scour protection to the north and south banks of the River Coquet including the length of the works, form of construction, materials and measures to reinstate the river bank;
- (b) details of temporary river training works; and
- (c) details of the temporary bridge.

(2) The authorised development will be constructed in accordance with the details approved in sub-paragraph (1).

(3) On completion of Work No.4 the temporary river training works and the temporary bridge shall be removed as soon as reasonably practicable.

## **Landscape and ecological management plan**

17.—(1) Where it appears desirable to the undertaker, in place of the relevant provisions of the CEMP, the undertaker may prepare a single document known as a LEMP to address the management of the landscape and ecological impacts of the Scheme including—

- (a) environmental constraints;
- (b) landscape mitigation;
- (c) impacts on biodiversity; and
- (d) impacts on protected species.

(2) Any LEMP which is produced shall reflect the mitigation measures set out in the REAC and include a graphic representation of the measures to be implemented.

(3) In deciding whether to produce a LEMP and the contents of a LEMP the undertaker shall consult and have regard to the views of the relevant planning authority.

(4) Where a LEMP is to be produced then it shall be submitted for the approval in writing by the Secretary of State (accompanied by any responses to consultation received under sub-paragraph (3) of this requirement), following consultation with the environment agency and relevant planning authority to the extent that it relates to matters relevant to its function.

(5) Where a LEMP is not produced then the undertaker shall submit the consultation undertaken with the relevant planning authority in terms of sub-paragraph (3) to the Secretary of State with the CEMP in terms of sub-paragraph (1) of paragraph 4.

## **PART 2**

### **PROCEDURE FOR DISCHARGE OF REQUIREMENTS**

#### **Applications made under requirements**

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

- (a) the day immediately following that on which the application is received by the Secretary of State;
- (b) the day immediately following that on which further information has been supplied by the undertaker under paragraph 14; or
- (c) such longer period as may be agreed between the parties.

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

(3) Where—

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

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

### **Further information**

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

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

(3) Where further information is requested under this paragraph in relation to part only of an application, that part is treated as separate from the remainder of the application for the purposes of calculating the time periods referred to in paragraph 1 (applications made under requirements) and in this paragraph.

### **Register of requirements**

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

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

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

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

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

## SCHEDULE 3

Article 14

### CLASSIFICATION OF ROADS, ETC.

#### PART 1

##### TRUNK ROADS

| <i>(1)</i><br><i>Road</i>                                     | <i>(2)</i><br><i>Extent</i>                                                                                                                                                                                            |
|---------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A1 - Section of A1 (Between Denwick Burn and North Charlton). | Between point 419689E; 615320N on Sheet 11, and point 417021E; 622682N on Sheet 17 of the rights of way and access plans.                                                                                              |
| A1 Morpeth to Felton                                          | Length totalling 25,500m comprising Work Nos. 1a, 1b, 2a, 2b, 3a, 3b and 4 (north and southbound works combined).                                                                                                      |
| A1 Alnwick to Ellingham                                       | Length totalling 15,787m comprising Works Nos. 21a, 21b, 22a, 22b, 23a and 23b commencing at grid reference 419689E; 615320N and terminating at grid reference 417009E, 622682N (north and southbound works combined). |

#### PART 2

##### ROADS TO BE DE-TRUNKED

| <i>(1)</i><br><i>Road</i>                                                         | <i>(2)</i><br><i>Extent</i>                                                                                                                                                     |
|-----------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Existing A1 trunk road from Portland House to Bockenfield Bridge 4948m in length. | Commencing at grid reference 418867E, 592836N and terminating at grid reference 417822E, 597362N to the extent shown on Sheets 4 to 8 of the rights of way and access plans.    |
| Existing A1 trunk road from River Lyne to Fenrother Lane East 1009m in length.    | Commencing at grid reference 418569E, 591639N; and terminating at grid reference 418783E, 592593N to the extent shown on Sheets 3 and 4 of the rights of way and access plans.. |

#### PART 3

##### CLASSIFIED ROADS

| <i>(1)</i><br><i>Road</i>                                       | <i>(2)</i><br><i>Extent</i>                                                                                            |
|-----------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| C4140 High Highlaws Road on the rights of way and access plans) | 240m in length comprising Work No. 8b. commencing at grid reference 418140E; 589691N and terminating at grid reference |



| <i>(1)</i><br><i>Road</i>                                              | <i>(2)</i><br><i>Extent</i>                                                                                                                                                    |
|------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| C130 (Hebron Road on the rights of way and access plans)               | 418335E; 589824N.<br>177m in length comprising Work No. 8h commencing at grid reference 418465E; 589773N and terminating at grid reference 418644E; 589774N.                   |
| C139 (Fenrother Lane West on the rights of way and access plans)       | 190m in length comprising Work No. 9b commencing at grid reference 418047E; 592436N and terminating at grid reference 418207E; 592534N.                                        |
| C139(Fenrother Lane East on the rights of way and access plans)        | 685m in length comprising Work No. 9i commencing at grid reference 418372E; 592620N and terminating at grid reference 418867E; 592836N.                                        |
| C134 (Bywell Road on the rights of way and access plans)               | 1208m in length comprising Work No. 16b commencing at grid reference 417798E; 596845N and terminating at grid reference 417868E; 597336N.                                      |
| C133 (West Moor Road on the rights of way and access plans)            | 249m in length comprising Work No. 16d commencing at grid reference 417174E; 598703N and terminating at grid reference 417357E; 598851N.                                       |
| New link road from West Moor Junction roundabout to Bockenfield Bridge | 1548m in length comprising Work No. 16l commencing at grid reference 417822E; 597362N and terminating at grid reference 417527E; 598826N.                                      |
| C111 (Felton Road on the rights of way and access plans)               | Realign and resurfacing of Felton Road 185m in length comprising Work No. 16i commencing at Grid reference 417547E; 598866N and terminating at grid reference 417703E; 58996N. |
| B6341                                                                  | Length totalling 528m comprising Work No. 29a commencing at grid reference 417807E; 620019N and terminating at grid reference 417666E; 620521N.                                |
| B6347 (West of A1)                                                     | Length totalling 170m comprising Work No. 29c commencing at grid reference 417475E; 620455N and terminating at grid reference 417629E; 620526N.                                |
| B6347 (East of A1)                                                     | Length totalling 166m comprising Work No. 29k commencing at grid reference 417943E; 620625N and terminating at grid reference 417777E; 620624N).                               |
| C137 (Burgham Park Road on the rights of way and access plans)         | 282m in length comprising Work No. 14 commencing at grid reference 417922E; 596845N and terminating at 418181E; 596956N.                                                       |

## PART 4

### UNCLASSIFIED ROADS

| <i>(1)</i><br><i>Road</i>                    | <i>(2)</i><br><i>Extent</i>            |
|----------------------------------------------|----------------------------------------|
| U6017 (Causey Park Road on the rights of way | 360m in length comprising Work No. 11c |

|                                                                                        |                                                                                                                                                                           |
|----------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| and access plans)                                                                      | commencing at grid reference 418477E; 595159N and terminating at 418825E; 595252N.                                                                                        |
| U3105 (Access track from B6346 to Rock South Farm)                                     | 1954m in length comprising Work No. 30b commencing at grid reference 418464E; 620543N and terminating at grid reference 419174E; 618894N.                                 |
| Access track from Causey Park Road to New House Farm.                                  | 1363m in length comprising Work No. 11a commencing at grid reference 418536E; 594025N and terminating at grid reference 418468E; 595155N.                                 |
| Access track from Causey Park Road to private land.                                    | 191m in length comprising Work No. 11b commencing at grid reference 418499E; 595168N and terminating at grid reference 418597E; 595303N.                                  |
| Access track for maintenance of detention basin.                                       | 97m in length comprising Work No. 11d commencing at grid reference 418794E; 594693N and terminating at grid reference 418881E; 594721N.                                   |
| Access track for maintenance for private access.                                       | 242m in length for private access off Bywell Road comprising Work No 16a commencing at grid reference 417570E; 59751N and terminating at grid reference 417466E; 597863N. |
| Access track for maintenance of detention basin and River Coquet Bridge (south bound). | Access 954m in length off Felton Road comprising Work No. 16h commencing at grid reference 417605E; 598906N and terminating at grid reference 417516E; 599735N.           |
| Access track for maintenance of detention basin.                                       | 333 in length off the B6345 comprising Work No.20 commencing grid reference 417513E; 600608N and terminating at grid reference 417690E; 600679N.                          |
| Access track (DB22) for maintenance of detention basin.                                | 494m in length comprising Work No 25a commencing at grid reference 419450E; 616028N and terminating at grid reference 419649E; 6156208N.                                  |
| Access track (DB23)for maintenance of detention basin.                                 | 181m in length comprising Work No. 26b commencing at Grid reference 419249E; 616411N and terminating at grid reference 419193E; 616585N.                                  |
| Access track (DB24 for maintenance of detention basin.                                 | 210m in length comprising Work No. 28 commencing at grid reference 418397E; 618598N and terminating at grid reference 418305E; 618781N.                                   |
| East Linkhall Access Track (Between Charlton Mires Junction and West Linkhall).        | 169m in length comprising Work No 29h commencing at grid reference 417399E; 621294N and terminating at grid reference 417319E; 621431N.                                   |

## PART 5

### OTHER PUBLIC RIGHTS OF WAY

| <i>(1)</i><br><i>Public right of way</i> | <i>(2)</i><br><i>Extent</i>                 |
|------------------------------------------|---------------------------------------------|
| Public Bridleway (extension to existing  | A new public bridleway, from point 418258E, |

| (1)<br><i>Public right of way</i>                                                                                                                         | (2)<br><i>Extent</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Bridleway 407/010) south of Warreners House.<br><br>Public Footpath (northerly and southerly extension to existing Footpath 407/018) west of Hebron Hill. | 587956N on the Northgate Hospital Access Road, in a general northerly direction for a distance of 555 metres to point 418390E, 588433N on existing bridleway 407/010, as shown between points PR 1/1 and PR 1/2 on Sheet 1 of the rights of way and access plans.<br>A new public footpath, from point 418627E, 589784N on Hebron Road, in a general northerly direction for a distance of 1530 metres to point 418618E, 591124N on existing public footpath 407/002, north-east of Low Espley, as shown between points PR 2/1 and PR 3/1 on Sheets 2 and 3 of the rights of way and access plans. |
| Public footpath (northerly extension to existing public footpath 407/001) south of Priests Bridge.                                                        | A new public footpath, from point 418421E, 618611N on existing public footpath 407/002, in a general northerly direction for a distance of 407 metres to point 418573E, 591638N, south of Priests Bridge, as shown between points PR 3/2 and PR 3/3 on Sheets 3 of the rights of way and access plans.                                                                                                                                                                                                                                                                                             |
| Public footpath (northerly extension to existing public footpath 423/001) south of Fenrother Lane (East).                                                 | A new public footpath, from point 418398E, 592243N on existing public footpath 423/001, in a general northerly direction for a distance of 343 metres to point 418410E, 592580N, on the connector road of Fenrother Junction, as shown between points PR 4/3 and PR 4/4 on Sheets 4 of the rights of way and access plans.                                                                                                                                                                                                                                                                         |
| Public footpath (northerly extension to existing public footpath 423/001) south of Fenrother Lane (West).                                                 | A new public footpath, from point 418252E, 592128N on existing public footpath 423/001, in a general northerly direction for a distance of 494 metres to point 418012, 592399, on Fenrother Lane (West), as shown between points PR 4/2 and PR 4/1 on Sheets 4 of the rights of way and access plans.                                                                                                                                                                                                                                                                                              |
| Public footpath (northerly extension to existing public footpath 423/013) north of Causey Park Bridge.                                                    | A new public footpath, from point 418738E, 594781N on existing public footpath 423/013, in a general northerly direction for a distance of 522 metres to point 418825E, 595249N, on Causey Park Road, as shown between points PR 6/1 and PR 6/2 on Sheets 6 of the rights of way and access plans.                                                                                                                                                                                                                                                                                                 |
| Public footpath (northerly extension to existing public footpath 422/011) south of Bywell Road.                                                           | A new public footpath, from point 417570E, 597651N on existing public footpath 422/011, in a general northerly direction for a distance of 229 metres to point 417476E, 597856N, on Bywell Road, as shown between points PR 8/1 and PR 8/2 on Sheets 8 of the rights of way and access plans.                                                                                                                                                                                                                                                                                                      |
| Public Footpath (to link existing Footpaths 422/002 and 422/020 under proposed A1) south of the River Coquet bridge.                                      | A new public footpath, from point 417405E, 599706N in a general easterly direction for a distance of 83 metres under the proposed A1 carriageway to point 417463E, 599734N, as shown between points PR 9/1 and PR 9/2 on                                                                                                                                                                                                                                                                                                                                                                           |

| (1)<br><i>Public right of way</i>                                                                                                                            | (2)<br><i>Extent</i>                                                                                                                                                                                                                                                                                                                                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Public footpath (to link existing public footpath 115/009 under proposed A1) north of the River Coquet bridge.                                               | Sheet 9 of the rights of way and access plans.<br>A new public footpath, from point 417435E, 599895N in a general easterly direction for a distance of 92 metres under the proposed A1 carriageway to point 417486E, 599949N, as shown between points PR 9/3 and PR 9/4 on Sheet 9 of the rights of way and access plans.                                                            |
| Public footpath (to link existing public footpath 115/016 and 115/008 through Parkwood Subway).                                                              | A new public footpath, from point 417391E, 600238N in a general easterly direction for a distance of 352 metres under the proposed A1 carriageway to point 417649E, 600256N, as shown between points PR 10/1 and PR 10/2 on Sheet 10 of the rights of way and access plans.                                                                                                          |
| Public footpath (northerly extension to existing public footpath 110/004) north of Broom House.                                                              | A new public footpath, from point 419211E, 615335N on existing public footpath 110/004, in a general northerly direction for a distance of 1010 metres to point 418984E, 616286N, east of Heckley Cottage, as shown between points PR 11/1 and PR 12/1 on Sheets 11 and 12 of the rights of way and access plans.                                                                    |
| Public bridleway (northerly extension to existing byway open to all traffic revised to bridleway 110/013) south of Heckley Fence.                            | A new bridleway, from point 419250E, 616412N on existing byway 110/013, in a general north-westerly direction for a distance of 1070 metres to point 418820E, 617258N, east of Heckley Fence, as shown between points PR 12/2 and PR 12/4 on Sheet 12 of the rights of way and access plans.                                                                                         |
| Public Footpath (to link existing Footpaths 129/021 and 110/019 with the proposed Heckley Fence byway open to all traffic) along western boundary of the A1. | A new public footpath, from point 418820E, 617258N on the proposed byway open to all traffic east of Heckley Fence, in a general north-westerly direction for a distance of 1489 metres to point 418421E, 618611N on existing Footpath 129/021, north-east of Heiferlaw Bank, as shown between points PR 12/4 and PR 13/2 on Sheets 12 and 13 of the rights of way and access plans. |
| Byway 110/013 running easterly from B6341                                                                                                                    | The existing byway open to all traffic will be revised to a bridleway from point 418567E, 616159N on the B6341, in a general easterly direction for a distance of 738 metres to point 419250E, 616412N, as shown between points PR 12/3 and PR 12/2 on Sheet 12 of the rights of way and access plans.                                                                               |
| Byway open to all traffic (to link road B8341 with existing byway 129/023) over the new Heckley Fence Overbridge.                                            | A new byway open to all traffic, from point 418401E, 617323N on the existing road B8341 west of Heckley Fence, in a general easterly direction for a distance of 1713 metres to point 419964E, 617513N on existing Byway 129/023, north of Broxfield, as shown between points PR 13/1 and PR 13/3 on Sheets 12 and 13 of the rights of way and access plans.                         |
| Public Footpath (to link existing Footpath 129/004 with existing road B6347 and Charlton Mires Junction) along eastern boundary of the                       | A new public footpath, from point 418067E, 620194N on the existing footpath 129/004, in a general northerly direction for a distance of 742                                                                                                                                                                                                                                          |

| <i>(1)</i><br><i>Public right of way</i> | <i>(2)</i><br><i>Extent</i>                                                                                                                                                 |
|------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A1.                                      | metres to point 418067E, 620194N on B6347, east of Charlton Mires Junction, as shown between points PR 15/2 and PR 15/1 on Sheets 15 of the rights of way and access plans. |

## PART 6

### FOOTWAYS AND CYCLEWAYS TO BE PROVIDED

| <i>(1)</i><br><i>Footpath or cycleway to be provided</i>                | <i>(2)</i><br><i>Extent of footway or cycleway</i>                                                                                            |
|-------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| Locations on sections of new highway                                    |                                                                                                                                               |
| Footway on Highlaws Junction connector road.                            | The footway will run between point 2/C to 2/D on Sheet 2 on the traffic regulation plans.                                                     |
| Footway on Fenrother Junction connector road.                           | The footway will run between point 4/A to 4/B on Sheet 4 on the traffic regulation plans.                                                     |
| Footway on Causey Park Overbridge.                                      | The footway will run between point 9/B to 9/C on Sheet 9 on the traffic regulation plans.                                                     |
| Shared footway/cycleway on link road from de-trunked A1 to Felton Road. | The footway will run between point 8/A to 9/A on Sheets 8 and 9 on the traffic regulation plans.                                              |
| Footway on West Moor Road.                                              | The footway will run between point 9/B to 9/C on Sheet 9 on the traffic regulation plans.                                                     |
| Footway on West Moor Junction connector road.                           | The footway will run between point 9/D to 9/E on Sheet 9 on the traffic regulation plans.                                                     |
| Footway on B6341.                                                       | The new footway will be located at B6341, between number 15/A and 15/B, 555m in length on Sheet 15 on the traffic regulation plans.           |
| Footway on Charlton Mires Junction.                                     | The new footway will be located at Charlton Mires Junction, number 15/C and 15/D, 44m in length on Sheet 15 on the traffic regulation plans.  |
| Footpath on Charlton Mires Junction.                                    | The new footway will be located at Charlton Mires Junction, number 15/E and 15/F, 105m in length on Sheet 15 on the traffic regulation plans. |
| Footway on Charlton Mires Junction.                                     | The new footway will be located at Charlton Mires Junction, number 15/G and 15/H, 165m in length on Sheet 15 on the traffic regulation plans. |
| Footway on Charlton Mires Junction.                                     | The new footway will be located at Charlton Mires Junction, number 15/I and 15/J, 102m in length on Sheet 15 on the traffic regulation plans. |
| Locations on sections of existing highway                               |                                                                                                                                               |
| Extension of existing footway on the A1 to Hebron Road.                 | The footway will run between point 2/A to 2/B on Sheet 2 on the traffic regulation plans.                                                     |
| New Footway on B6347.                                                   | The new footway will be located at B6347, number 15/L and 15/K, 51m in length on Sheet 15 on the traffic regulation plans.                    |

## SCHEDULE 4

Article 16

### PERMANENT STOPPING UP OF STREETS, PUBLIC RIGHTS OF WAY AND PRIVATE MEANS OF ACCESS

#### PART 1

#### STREETS TO BE STOPPED UP AND FOR WHICH A SUBSTITUTE IS TO BE PROVIDED

| <i>(1)</i><br><i>Street to be stopped up</i>                    | <i>(2)</i><br><i>Extent of stopping up</i>                                                                                                                                                     | <i>(3)</i><br><i>New highway to be substituted</i>                                                                                                                |
|-----------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| C140 (High Highlaws Road on the rights of way and access plans) | From point 418195E, 589709N to 418370E, 589720N (measuring approximately 174.5m in length) shown as 2/h and 2/i on Sheet 2 of the rights of way and access plans.                              | Highway to be removed and replaced by New Side Road in terms of Work Number 8b, Sheet 2 of the works plans.                                                       |
| A1                                                              | From point 418531E, 591352N- to 418569E, 591639N- (measuring approximately 288m in length), shown as 3/e and 3/d on Sheet 3 of the rights of way and access plans.                             | Detrunked A1 will be replaced by the new A1 dual carriageway shown on Sheets 1 to 17 of the rights of way and access plans.                                       |
| C139 (Fenrother Lane on the rights of way and access plans).    | From point 418218E, 592538N to 418398E, 592595N- (measuring approximately 188.3m in length) shown as 4/k and 4/l on Sheet 4 of the rights of way and access plans.                             | Removal will be replaced by the Fenrother Junction, shown on Sheet 4, rights of way and access plans.                                                             |
| C139 (Fenrother Lane on the rights of way and access plans).    | From point 418676E, 592558N to 418811E, 592533N of existing road, (measuring approximately 137.6 m in length, combined) shown as 4/g and 4/h on Sheet 4 of the rights of way and access plans. | Replaced by new tie in between the detrunked A1 and Fenrother Lane (East) by new carriageway 4/B and 4/C shown on Sheet 4 of the rights of way and access plans.  |
| A1                                                              | From point 418851E, 592675N to 418830E, 592511N of existing road, (measuring approximately 164.6m in length), shown as 4/j and 4/ on Sheet 4 of the rights of way and access plans.            | Replaced by new tie in between the detrunked A1 and Fenrother Lane (East) by new carriageway 4/B and 4/C, shown on Sheet 4 of the rights of way and access plans. |
| C134 (Bywell Road on the rights of way and access plans).       | From point 417418E, 597823N to 417518E, 597851N, (measuring approximately 103.9m in length, combined) shown as points 8/g and 8/h on Sheet 8 of the rights of way and access plans.            | Tie in to new road parallel to the new A1 route to the north of the carriageway to be stopped up set out as 8/A on Sheet 8 of the rights of way and access plans. |
| C133 (West Moor Road on the                                     | From point 417273E, 598731N                                                                                                                                                                    | New north and southbound                                                                                                                                          |

| <i>(1)<br/>Street to be stopped up</i>                                                    | <i>(2)<br/>Extent of stopping up</i>                                                                                                                                                                       | <i>(3)<br/>New highway to be substituted</i>                                                                                                           |
|-------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| rights of way and access plans).                                                          | to 417408E, 598813N of existing carriageway (measuring approximately 162.9m in length, combined) shown as 9/c and 9/d on Sheet 9 of the rights of way and access plans.                                    | access will be provided as part of the West Moor Junction as shown on Sheet 9 of the rights of way and access plans.                                   |
| C111 and U6001 (Felton Road and unregistered road on the rights of way and access plans). | Between points 417511E, 598808N and 417453E, 598773N and 417470E, 598673N (measuring approximately 176.6m in length, combined) shown as 9/e, 9/f and 9/g on Sheet 9 of the rights of way and access plans. | New north and southbound access will be provided as part of the West Moor Junctions shown on Sheet 9 of the rights of way and access plans.            |
| U3004 (access track between the A1 and Rock South Farm)                                   | From point 418466E, 618643N to 19166E 618890N (measuring approximately 759m in length), shown as 13/c and 14/b on Sheet 13 and 14 of the rights of way and access plans.                                   | Rock South Farm access road will provide access to Rock South Farm, Work No. 30b on Sheets 13 and 14 of Works Plans.                                   |
| A1                                                                                        | From point 417888E, 620033N to 417725E, 620553N (measuring approximately 545m in length) shown as 15/g and 15/k on Sheet 15 of the rights of way and access plans.                                         | Realigned section of A1 dual carriageway between Rock Lodge and West Linkhall, Work Nos. 22a and 22b, Sheet 15 of the works plans                      |
| A1                                                                                        | From point 417718E, 620579N to 417670E, 620766N (measuring approximately 200m in length) shown as 15/n and 15/o on Sheet 15 of the rights of way and access plans.                                         | Realigned section of A1 dual carriageway between Rock Lodge and West Linkhall, Work Nos. 22a and 22b, Sheet 15 of the works plans.                     |
| A1                                                                                        | From point 417548E, 621116N to 417350E, 612433N (measuring approximately 375m in length) shown as 15/s and 16/j on Sheets 15 and 16 of the rights of way and access plans.                                 | Realigned section of A1 dual carriageway between Rock Lodge and West Linkhall, Work Nos. 22a and 22b, Sheet 15 and 16 of the works plans.              |
| B6347                                                                                     | From point 417704E, 620440N to 417568E, 620490N (measuring approximately 157m in length) shown as 15/q and 15/r on Sheet 15 of rights of way and access plans.                                             | Realigned section of B6347 single carriageway between Rock Lodge and Charlton Mires Junction 5B, Work Nos. 29a, 29c, 29d, Sheet 15 of the works plans. |
| B6341                                                                                     | From point 417805E, 620140N to 417847E 620156N (measuring approximately 48m in length) shown as 15/l and 15/p on Sheet 15 of rights of way and access Plan, Sheet 15.                                      | Realigned section of B6341 to connect with B6347 (west) 5A single carriageway at Charlton Mire Junction, Work No. 29a Sheet 15 of the works plans.     |

## PART 2

### PUBLIC RIGHTS OF WAYS TO BE STOPPED UP AND FOR WHICH A SUBSTITUTE IS TO BE PROVIDED

| <i>(1)<br/>Public right of way to be<br/>stopped up</i>                                                         | <i>(2)<br/>Extent of stopping up</i>                                                                                                            | <i>(3)<br/>New highway to be substituted</i>                                                                                                                                                                                                                                                                                                                                                                                       |
|-----------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Permanent stopping up of existing Bridleway 407/010 leading to A1 slip road south of Warreners House.           | From points 418306E, 588422N to 418390E, 588433N (85m in length), shown as 1/h and 1/f in the rights of way and access plans.                   | A new public bridleway, from point 418258E, 587956N on the Northgate Hospital Access Road, in a general northerly direction for a distance of 555 metres to point 418389E, 588431N on existing bridleway 407/010, as shown between points PR 1/1 and PR 1/2 on Sheet 1 of the rights of way and access plans.                                                                                                                      |
| Permanent stopping up of existing Footpath 423/013 between Causey Park Road and The Oak Inn.                    | From point 418738E, 594781N to 418349E, 595117N (574.9m in length) between points 6/d and 6/e on Sheet 6 of the rights of way and access plans. | Extension of public footpath 423/013 north parallel to the proposed A1 from point 418738E, 594781N to point 418825E, 595249N, on Causey Park Road for a distance of 522 metres, as shown between points PR 6/1 and PR 6/2 on Sheets 6 of the rights of way and access plans.                                                                                                                                                       |
| Permanent stopping up of existing Footpath 423/001 between Fenrother Burn and west of Tritlington First School. | From point 418254E, 592131N to 418399E, 592243N (414.9m in length) points 4/e and 4/f on Sheet 4 of the rights of way and access plans.         | A new public footpath, from point 418398E, 592243N, in a general northerly direction for a distance of 343 metres to point 418410E, 592580N, as shown between points PR 4/3 and PR 4/4 and a new public footpath, from point 418252E, 592128N, in a general northerly direction for a distance of 494 metres to point 418012, 592399, as shown between points PR 4/2 and PR 4/1 on Sheets 4 of the rights of way and access plans. |
| Permanent stopping up of existing Footpath 407/001, at the Floodgate Burn.                                      | From point 418544E, 591291N to 418589E, 591263N (57m in length) between points 3/f and 3/g on Sheet 3 of the rights of way and access plans.    | Extension of public footpath 407/001 north parallel to the proposed A1 to detrunk A1 and existing public right of way route on Sheet 3 of the rights of way and access plans between points PR 3/2 and PR 3/3.                                                                                                                                                                                                                     |
| Permanent stopping up of existing Footpath 407/001 east                                                         | From point 418553E, 590915N to 418650E 590925N (100m in                                                                                         | Extension of public footpath 407/001 north parallel to the                                                                                                                                                                                                                                                                                                                                                                         |



| <i>(1)<br/>Public right of way to be<br/>stopped up</i>                                               | <i>(2)<br/>Extent of stopping up</i>                                                                                                                                              | <i>(3)<br/>New highway to be substituted</i>                                                                                                                                                                                                                                                                      |
|-------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| of Low Espley.                                                                                        | length) between points 3/h and 3/i on Sheet 3 of the rights of way and access plans.                                                                                              | existing public right of way location on Sheet 3 of the rights of way and access plans between points 3/i and PR 3/1.                                                                                                                                                                                             |
| Permanent stopping up of existing Footpath 422/011, south of Bywell Road.                             | From point 417569E, 597651N to 417575E, 597697N (length 46.7m) between points 8/e and 8/f on Sheet 8 of the rights of way and access plans.                                       | Extension of public footpath 422/011 north parallel to the proposed A1 connecting to Bywell Road between points PR 8/1 and PR 8/2- on Sheet 8 of the rights of way and access plans.                                                                                                                              |
| Permanent stopping up of existing Footpath 115/009, north of River Coquet.                            | From point 417435E, 599895N to 417486E, 599950N (92m in length) spanning the proposed A1 carriageway between points 9/j and 9/k on Sheet 9 of the rights of way and access plans. | A new public footpath, from point 417435E, 599895N in a general easterly direction for a distance of 92 metres under the proposed A1 carriageway to point 417486E, 599949N, as shown between points PR 9/3 and PR 9/4 on Sheet 9 of the rights of way and access plans.                                           |
| Permanent stopping up of existing Footpath 115/016, west of A1 at Felton.                             | From point 417391E, 600238N to 417425E, 600237N (34m in length) between points 10/a and 10/b on Sheet 10 of the rights of way and access plans.                                   | A new public footpath, from point 417391E, 600238N in a general easterly direction for a distance of 352 metres under the proposed A1 carriageway to point 417649E, 600256N, as shown between points PR 10/1 and PR 10/2 on Sheet 10 of the rights of way and access plans.                                       |
| Permanent stopping up of existing Footpath 115/008, east of A1 at Felton.                             | From point 417504E, 600266N to 417649E, 600256N (150m in length) between points 10/c and 10/d on Sheet 10 of the rights of way and access plans.                                  | A new public footpath, from point 417391E, 600238N in a general easterly direction for a distance of 352 metres under the proposed A1 carriageway to point 417649E, 600256N, as shown between points PR 10/1 and PR 10/2 on Sheet 10 of the rights of way and access plans.                                       |
| Permanent stopping up of existing Footpath 110/004 north of Broom House.                              | From point 419211E, 615335N to 419466E, 615870N (595m in length) between points 11/b and 11/a on Sheet 11 of the rights of way and access plans.                                  | A new public footpath, from point 419211E, 615335N on existing public footpath 110/004, in a general northerly direction for a distance of 1010 metres to point 418984E, 616286N, east of Heckley Cottage, as shown between points PR 11/1 and PR 12/1 on Sheets 11 and 12 of the rights of way and access plans. |
| Permanent stopping up of existing Byway Open to All Traffic 110/013 and 129/022 from Heckley House to | From point 418567E, 616159N to 420058E, 616712N (1613m in length) between points 12/f and 18/b on Sheet 12 of the                                                                 | A new bridleway from point 418567E, 616159N on the B6341, in a general easterly direction for a distance of 738                                                                                                                                                                                                   |

| <i>(1)<br/>Public right of way to be stopped up</i>                   | <i>(2)<br/>Extent of stopping up</i>                                                                                              | <i>(3)<br/>New highway to be substituted</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-----------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Broxfield Farm                                                        | rights of way and access plans.                                                                                                   | metres to point 419250E, 616412N, as shown between points PR 12/3 and PR 12/2 on Sheet 12 of the rights of way and access plans.<br><br>A new byway open to all traffic, from point 418401E, 617323N on the existing road B8341 west of Heckley Fence, in a general easterly direction for a distance of 1713 metres to point 419964E, 617513N on existing Byway 129/023, north of Broxfield, as shown between points PR 13/1 and PR 13/3 on Sheets 12 and 13 of the rights of way and access plans. |
| Permanent stopping up of existing Footpath 129/004 east of Rock Lodge | From point 417914E, 620040N (15/j) to 418062E, 620196N (15/f) (226m in length) on Sheet 15 of the rights of way and access plans. | A new public footpath, from point 418067E, 620194N on the existing footpath 129/004, in a general northerly direction for a distance of 742 metres to point 418067E, 620194N on B6347, east of Charlton Mires Junction, as shown between points PR 15/2 and PR 15/1 on Sheets 15 of the rights of way and access plans.                                                                                                                                                                              |

### PART 3

#### PRIVATE MEANS OF ACCESS TO BE STOPPED UP AND FOR WHICH A SUBSTITUTE IS TO BE PROVIDED

| <i>(1)<br/>Private means of access to be stopped up</i>                 | <i>(2)<br/>Extent of stopping up</i>                                                        | <i>(3)<br/>New highway to be substituted</i>                                                                                                                                        |
|-------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Private means of access from West Moor Road to West Moor House.         | Access located at 417273E, 598730N on Sheet 9 of the rights of way and access plans.        | New private means of access to be created (9/A) as part of the new highways (side road network) Work No. 16g on Sheet 9 of the rights of way and access plans, reference point 9/c. |
| Private means of access from Warreners House to existing field network. | Access located at 418250E, 588934N, (1/a) on Sheet 1 of the rights of way and access plans. | New private means of access PA2/1 to be created as part of the new highways (side road network) Work No. 5a on Sheet 1 of the rights of way and access plans.                       |

| <i>(1)<br/>Private means of access to be<br/>stopped up</i>                                                          | <i>(2)<br/>Extent of stopping up</i>                                                       | <i>(3)<br/>New highway to be substituted</i>                                                                                                                     |
|----------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Private means of access from Northgate House (demolished) to A1, east as the only mean of access to highway network. | Access located at 418211E, 588632N (1/c) on Sheet 1 of the rights of way and access plans. | New private means of access PA1/4 to be created as part of the new highways (side road network) Work No. 6 on Sheet 1 of the rights of way and access plans.     |
| Private means of access from Northgate House (demolished) to A1, east as the only mean of access to highway network. | Access located at 418212E, 588668N (1/b) on Sheet 1 of the rights of way and access plans. | New private means of access PA 1/4 to be created as part of the new highways (side road network) Work No. 6 on Sheet 1 of the rights of way and access plans.    |
| Private means of access from Northgate Farm to A1, west as the only mean of access to highway network.               | Access located at 418241E, 588639N (1/d) on Sheet 1 of the rights of way and access plans. | New private means of access (PA 1/3) to be created as part of the new highways (side road network) Work No. 5a on Sheet 1 of the rights of way and access plans. |
| Private means of access from Warreners House to A1, west as the only mean of access to highway network.              | Access located at 418238E, 588544N (1/e) on Sheet 1 of the rights of way and access plans. | New private means of access (PA 1/2) to be created as part of the new highways (side road network) Work No. 5a on Sheet 1 of the rights of way and access plans. |
| Private means of access from Warreners House to A1, west as the only mean of access to highway network.              | Access located at 418390E, 588434N (1/f) on Sheet 1 of the rights of way and access plans. | New private means of access (PA 1/2) to be created as part of the new highways (side road network) Work No. 5a on Sheet 1 of the rights of way and access plans. |
| Private means of access from Warreners House to A1, west as the only mean of access to highway network.              | Access located at 418263E, 588330N (1/g) on Sheet 1 of the rights of way and access plans. | New private means of access (PA 1/1) to be created as part of the new highways (side road network) Work No. 5a on Sheet 1 of the rights of way and access plans. |
| Private means of access between the field network to A1, west, is the only means of access to highway network.       | Access located at 418470E, 590264N (2/a) on Sheet 2 of the rights of way and access plans. | New private means of access (PA 2/2) to be created as part of the new highways (side road network) Work No. 8c on Sheet 2 of the rights of way and access plans. |
| Private means of access from Beacon Hill and Hebron Hill to A1, west as the only mean of access to highway network.  | Access located at 418486E, 590182N (2/b) on Sheet 2 of the rights of way and access plans. | New private means of access (PA 2/1) to be created as part of the new highways (side road network) Work No. 8g on Sheet 2 of the rights of way and access plans. |
| Private means of access from Strafford House to A1, east, as the only mean of access to highway network removed.     | Access located at 418352E, 589554 (2/f) on Sheet 2 of the rights of way and access plans.  | New private means of access (PA 2/4) to be created as part of the new highways (side road network) Work No. 8j on Sheet 2 of the rights of way and               |

| <i>(1)<br/>Private means of access to be<br/>stopped up</i>                                                             | <i>(2)<br/>Extent of stopping up</i>                                                                                                        | <i>(3)<br/>New highway to be substituted</i>                                                                                                                                           |
|-------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Private means of access from Low Espley to A1, west as the only mean of access to highway network.                      | Access located at 418533E, 590912N (3/b) on Sheet 3 of the rights of way and access plans.                                                  | access plans.<br>New private means of access (PA 3/2) to be created as part of the new highways (side road network) Work No. 8c on of Sheets 2 & 3 the rights of way and access plans. |
| Private means of access between the field network to Beacon Hill, east, is the only means of access to highway network. | Access located at 418549E, 590575N (3/c) on of Sheet 3 the rights of way and access plans.                                                  | New private means of access (PA 3/1) to be created as part of the new highways (side road network) Work No. 8g on Sheets 2 & 3 of the rights of way and access plans.                  |
| Private means of access between the New Houses Farm and Causey Park Road to the north.                                  | Access located at 418599E, 594215N (5/a) on Sheet 5 and Sheet 6 of the rights of way and access plans.                                      | New private means of access (PA 5/2) to be created as part of the new highways Work No. 11a on Sheet 5 & 6 of the rights of way and access plans.                                      |
| Private means of access between the Blackwood Hall and the existing road network.                                       | Access located at 417460E, 598163N (8/a) on Sheet 8 of the rights of way and access plans.                                                  | New private means of access (PA 8/3) to be created as part of the new highways boundary Work No. 16b on Sheet 8 of the rights of way and access plans.                                 |
| Private means of access stopped up on Public right of way 422/011.                                                      | Access point 8b located at 417465E 597838N, on Sheet 8 of the rights of way and access plans.                                               | New 422/011 public right of way alignment to be created, listed as Work No.16a on Sheet 8 of the rights of way and access plans.                                                       |
| Private means of access stopped up on public right of way 115/009.                                                      | Access point 8c located at 417467E 597829N, on Sheet 8 of the rights of way and access plans.                                               | New 115/009 public right of way alignment to be created, shown on Sheet 9 of the rights of way and access plans.                                                                       |
| Private means of access stopped up on public right of way 422/020 near Duke's Bank Wood.                                | Access located at 417406E, 599704N (9/h), 417463E, 599734N (9/i) on Sheet 9 of the rights of way and access plans.                          | New 422/020 public right of way alignment to be created, shown on Sheet 9 of the rights of way and access plans between PR 9/1 and PR 9/2.                                             |
| Private means of access stopped up on public right of way 115/016 near Duke's Bank Wood.                                | Access located at 417391E, 600238N (10/a) and 417425E and 600237N (10/b) (34m in length) on Sheet 10 of the rights of way and access plans. | New 115/016 Public right of way alignment to be created (PR 10/1 – PR 10/2), shown on Sheet 10 of the rights of way and access plans.                                                  |
| Private means of access stopped up on public right of way 115/008 near Duke's Bank Wood.                                | Access located at 417504E, 600266N, 417649E, 600256N (149.4m in length) on Sheet 10 of the rights of way and access plans.                  | New 115/008 public right of way alignment to be created (PR 10/1 – PR 10/2), shown on Sheet 10 of the rights of way and access plans.                                                  |
| Private means of access from Heckley Cottage to Broxfield.                                                              | Access located at 419266E, 617419N on Sheet 12 of the rights of way and access plans. (Point 12/a)                                          | New private means of access to be created (PA 12/1) as part of the new highways (side road network) Work No 21a and 26b on Sheet 12 of the rights of                                   |

| <i>(1)<br/>Private means of access to be<br/>stopped up</i>                      | <i>(2)<br/>Extent of stopping up</i>                                                               | <i>(3)<br/>New highway to be substituted</i>                                                                                                                        |
|----------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Private means of access from Heckley Fence to Broxfield.                         | Access located at 418936E, 617293N on Sheet 12 of the rights of way and access plans. (Point 12/b) | way and access plans.<br>New private means of access to be created as part of Work No. 27.                                                                          |
| Private means of access from the A1 to Broxfield.                                | Access located at 418975E, 617311N on Sheet 12 of the rights of way and access plans. (Point 12/c) | New private means of access to be created as part Work No. 27.                                                                                                      |
| Private means of access from Heckley Fence to Broxfield.                         | Access located at 418969E, 617303N on Sheet 12 of the rights of way and access plans. (Point 12/d) | New private means of access to be created as part of Work No. 27.                                                                                                   |
| Private means of access from the A1 to Broxfield.                                | Access located at 419286E, 616429N on Sheet 12 of the rights of way and access plans. (Point 12/e) | New private means of access to be created (PA 11/1) as part of the new highways (side road network) Work No. 25b on Sheet 11 of the rights of way and access plans. |
| Private means of access from Rock South Farm and Black Plantation.               | Access located at 418438E, 618627N on Sheet 13 of the rights of way and access plans. (Point 13/b) | New private means of access to be created (PA 13/2 as part of the new highways (side road network) Work No. 28 on Sheet 13 of the rights of way and access plans.   |
| Private means of access from A1 to field network north of Rock Nab.              | Access located at 417709E, 620550N on Sheet 15 of the rights of way and access plans. (Point 15/a) | New private means of access to be created (PA 15/1) as part of the new highways (side road network) Work No. 29a on Sheet 15 of the rights of way and access plans. |
| Private means of access from A1 to field network west of Charlton Mire Junction. | Access located at 417689E, 620647N on Sheet 15 of the rights of way and access plans. (Point 15/b) | New private means of access to be created (PA 15/7) as part of the new highways (side road network) Work No. 29h on Sheet 15 of the rights of way and access plans. |
| Private means of access from Patterson Cottage and West Linkhall.                | Access located at 417521E, 621177N on Sheet 15 of the rights of way and access plans. (Point 15/e) | New private means of access to be created (PA 15/7) as part of the new highways (side road network) Work No. 29h on Sheet 15 of the rights of way and access plans. |
| Private means of access from Rock Midstead and Rock Lodge.                       | Access located at 418067E, 620194N on Sheet 15 of the rights of way and access plans. (Point 15/f) | New private means of access to be created (PA 15/5) as part of the new highways Work No. 21b on Sheet 15 of the rights of way and access plans.                     |
| Private means of access from Rock Midstead and Rock Lodge.                       | Access located at 417901E, 620046N on Sheet 15 of the rights of way and access plans. (Point 15/h) | New private means of access to be created (PA 5/C) as part of the new highways Work No. 21a and 21b on Sheet 15 of the rights of way and access plans.              |

| <i>(1)<br/>Private means of access to be<br/>stopped up</i>              | <i>(2)<br/>Extent of stopping up</i>                                                               | <i>(3)<br/>New highway to be substituted</i>                                                                                                                                                                    |
|--------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Private means of access from Westlink Hall and East Linkhall.            | Access located at 417342E, 621437N on Sheet 16 of the rights of way and access plans. (Point 16/b) | New private means of access to be created (PA 16/2 and PA 16/3) as part of the new highways (side road network) Work No 29h on Sheet 16 of the rights of way and access plans.                                  |
| Private means of access from A1 to field network north of West Linkhall. | Access located at 417205E, 621664N on Sheet 16 of the rights of way and access plans. (Point 16/c) | New private means of access to be created (PA 16/3) as part of the new highways (side road network) Work No. 22a/23a on Sheet 16 of the rights of way and access plans.                                         |
| Private means of access from A1 to field network north Shipperton Burn.  | Access located at 416974E, 622299N on Sheet 16 of the rights of way and access plans. (Point 16/d) | New private means of access to be created (PA 16/3) via existing North Charlton Junction as part of the new highways (side road network) Work No. 23a on Sheet 16 and 17 of the rights of way and access plans. |
| Private means of access from A1 to field network north Shipperton Burn.  | Access located at 417015E, 622420N on Sheet 16 of the rights of way and access plans. (Point 16/e) | New private means of access to be created (PA 16/4) as part of the new highways (side road network) Work No. 29l on Sheet 16 of the rights of way and access plans.                                             |
| Private means of access from A1 to field network north Shipperton Burn.  | Access located at 417031E, 622134N on Sheet 16 of the rights of way and access plans. (Point 16/f) | New private means of access to be created (PA 16/4) as part of the new highways (side road network) Work No. 29l on Sheet 16 of the rights of way and access plans.                                             |
| Private means of access from East Linkhall to West Lodge.                | Access located at 417173E, 621781N on Sheet 16 of the rights of way and access plans. (Point 16/g) | New private means of access to be created (PA 16/4 and PA 15/4) as part of the new highways (side road network) Work No. 29l on Sheet 16 of the rights of way and access plans.                                 |
| Private means of access from East Linkhall to Charlton Mire Junction.    | Access located at 417284E, 621406N on Sheet 16 of the rights of way and access plans. (Point 16/h) | New private means of access to be created (PA 16/4 and PA 15/4) as part of the new highways (side road network) Work No. 29l on Sheet 16 of the rights of way and access plans.                                 |
| Private means of access from West Linkhall to the existing A1.           | Access located at 417471E, 621258N on Sheet 16 of the rights of way and access plans. (Point 16/i) | New private means of access to be created (PA 16/1) as part of the new highways (side road network) Work No. 29h on Sheet 16 of the rights of way and access plans.                                             |

## PART 4

### PUBLIC RIGHTS OF WAY TO BE STOPPED UP AND FOR WHICH A SUBSTITUTE IS NOT TO BE PROVIDED

| <i>(1)</i><br><i>Public right of way to be stopped up</i>                                         | <i>(2)</i><br><i>Extent of stopping up</i>                                                                                                                                                                                                                                |
|---------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Permanent stopping up of existing Footpath 423/006 west of Tindale Hill.                          | From point 417751E, 593145N to point 418518E, 593449N for a length of 828m shown as between points 5/e and 5/f on Sheet 5 of the rights of way and access plans.                                                                                                          |
| Permanent stopping up of existing Footpath 423/007 between New Houses Farm and Earsdon Moor Farm. | From point 418347E, 593794N to point 418900E, 593481N for a length of 793m shown as between points 5/c and 5/d on Sheet 5 of the rights of way and access plans.                                                                                                          |
| Permanent stopping up of existing Footpath 129/013 west of Broxfield.                             | From point 419846E, 616687N to point 420079E, 617048N for a length of 425m shown as between points 12/g and 18/a on Sheets 12 and 18 of the rights of way and access plans.                                                                                               |
| Permanent stopping up of existing footpath 129/014 and 110/004 between access south of Broxfield. | From point 419495E, 615921N to point 4197328E, 616662N for a length of 791.1m- shown as between points 11c and 12h on Sheets 11 and 12 of the rights of way and access plans.                                                                                             |
| Permanent stopping up of existing byway open to all traffic 129/022 west of Broxfield.            | From point 419295E, 616432N to point 19846E, 616687N for a length of 825.9m shown as between points 12f and 18b on Sheets 12 and 18 of the rights of way and access plans.                                                                                                |
| Permanent stopping up of existing footpath 110/003 and 129/009 south of Rock South Farm.          | From point 419162E, 618882N to point 418670E, 618091N for a length of 971m shown as between points 14/a, 13/e and 13/d on Sheets 13 and 14 of the rights of way and access plans.                                                                                         |
| Permanent stopping up of existing Footpath 129/024 south of Rock Lodge                            | From point 417814E, 619943N, south of Rock Lodge, in a north-easterly direction for a distance of 110 metres, to point 417892E, 620021N, at the western boundary of the existing A1 road, between points 15/m and 15/i on Sheet 15 of the rights of way and access plans. |

## PART 5

### PRIVATE MEANS OF ACCESS TO BE STOPPED UP AND FOR WHICH A SUBSTITUTE IS NOT TO BE PROVIDED

| <i>(1)</i><br><i>Private means of access to be stopped up</i>  | <i>(2)</i><br><i>Location of stopping up</i>                                                                          |
|----------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|
| Permanent stopping up of existing private access point (13/a). | Access located west of Broxfield at 418763E, 617812N on Sheet 13 of the rights of way and access plans. (Point 13/a). |
| Permanent stopping up of existing private access point (13/c). | Access located at Rock South Farm, 418466E, 618643N on Sheet 13 of the rights of way and access plans. (Point 13/c).  |

|                                                                |                                                                                                                                   |
|----------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| Permanent stopping up of existing private access point (15/c). | Access located at Charlton Mires Junction, 417708E, 620649N on Sheet 15 of the rights of way and access plans. (Point 15/c).      |
| Permanent stopping up of existing private access point (15/d). | Access located at Charlton Mires Junction, 417702E, 620690N on Sheet 15 of the rights of way and access plans. (Point 15/d).      |
| Permanent stopping up of existing private access point (15/g). | Access located at Rock Midstead and Rock Lodge, 417888E, 620033N on Sheet 15 of the rights of way and access plans. (Point 15/g). |

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## SCHEDULE 5

Article 15

### TEMPORARY PROHIBITION OF VEHICULAR TRAFFIC AND PEDESTRIANS

#### PART 1

##### NOTES TO SCHEDULE

Note 1: The extent of the temporary prohibitions on vehicular traffic and pedestrians set out in the table in Part 2 of this Schedule are identified on the relevant sheet of the rights of way and access plans as “public right of way to be stopped up.”

#### PART 2

##### PUBLIC RIGHTS OF WAY WHERE USE BY VEHICULAR TRAFFIC AND PEDESTRIANS IS TO BE TEMPORARILY PROHIBITED AND FOR WHICH A SUBSTITUTE IS TO BE PROVIDED

| (1)<br><i>Public right of way where use<br/>by vehicular traffic and<br/>pedestrians is to be prohibited</i>      | (2)<br><i>Extent of prohibition</i>                                                                                                                                    | (3)<br><i>New public right of way to be<br/>substituted</i>                                                                                                                                                                                                                                    |
|-------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Temporary prohibition of vehicular traffic and pedestrians over public right of way 407/018 (Low Espley).         | North western end of public right of way 407/018 stopped up at 418548E, 590575N (3/c) as it intercepts the order limits- on Sheet 3 of rights of way and access plans. | Diverted early in construction phase onto new permanent alignment route from point 418548E, 590575N (3/c), on Sheet 3 of the rights of way and access plans.                                                                                                                                   |
| Temporary prohibition of vehicular traffic and pedestrians over public right of way 407/001 (Floodgate Wood – B). | Between points 418544E, 591291N (3/f) and 418589E, 591263N (3/g) on Sheet 3 of rights of way and access plans for a distance of 57m.                                   | Diverted early in construction phase onto new permanent alignment route from point, (PR 3/2 and PR 3/3) on Sheet 3 of the rights of way and access plans.                                                                                                                                      |
| Temporary prohibition of vehicular traffic and pedestrians over public right of way 407/002 (Floodgate Wood – C). | Between points 418553E, 590915N (3/h) and 418650E, 590925N (3/i) on Sheet 3 of rights of way and access plans for a distance of 100m.                                  | Diverted early in construction phase onto new permanent alignment route from point PR 3/2 and PR 3/3 new route, on Sheet 3 of the rights of way and access plans.                                                                                                                              |
| Temporary prohibition of vehicular traffic and pedestrians over public right of way 423/001 (Fenrother).          | Between points 418399E, 592243N (4/f) and 418254E, 592131N (4/e) on Sheet 4 of rights of way and access plans for a distance of 414.9m.                                | Diverted early in construction phase onto new permanent alignment. Will need closure for part of construction phase. route from point PR 4/1 and PR 4/2 west of A1, and PR 4/3 and PR 4/4 east of A1 via new footpath at Fenrother Junction, on Sheet 4 of the rights of way and access plans. |
| Temporary prohibition of                                                                                          | Between points 417569E,                                                                                                                                                | Diverted early in construction                                                                                                                                                                                                                                                                 |

| <i>(1)<br/>Public right of way where use<br/>by vehicular traffic and<br/>pedestrians is to be prohibited</i>              | <i>(2)<br/>Extent of prohibition</i>                                                                                                                                                                                                                | <i>(3)<br/>New public right of way to be<br/>substituted</i>                                                                                                                                                                                     |
|----------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| vehicular traffic and pedestrians over public right of way 422/011 (Burgham Park).                                         | 597651N (8/e) and 417575E, 597697N (8/f) on Sheet 8 of rights of way and access plans for a distance of 46.7m.                                                                                                                                      | phase onto new permanent alignment route from point PR 8/1 and PR 8/2 on Sheet 8 of the rights of way and access plans.                                                                                                                          |
| Temporary prohibition of vehicular traffic and pedestrians over public right of way 422/002 (River Coquet South).          | Between points 417406E 599704N (9/h) and 417463E, 599734N (9/i) on Sheet 9 of the rights of way and access plans for a distance of 119.8m.                                                                                                          | To be diverted at start of works and closed during subway extension works, diversion route from point PR 9/1 and PR2/1, closed at B6345 at start of works and diverted through Parkwood Subway on Sheet 9 of the rights of way and access plans. |
| Temporary prohibition of vehicular traffic and pedestrians over public right of way 115/009 (River Coquet North).          | Between points 417435E, 599895N (9/j) and 417486E 599949N (9/k) on Sheet 9 of the rights of way and access plans for a distance of 87.2m.                                                                                                           | To be diverted at start of works and closed during subway extension works, diversion route from point PR 9/3 and PR9/4, Felton at start of works and diverted through Parkwood Subway on Sheet 9 of the rights of way and access plans.          |
| Temporary prohibition of vehicular traffic and pedestrians over public right of way 115/016 and 115/008 (Parkwood Subway). | Between points 417391E, 600238N (10/a) and 417425E, 600238N (10b) for a distance of 34m and between points 417504E, 600266E (10/c) and 417649E 600256N (10/d) for a distance of 149.4m in length all on Sheet 10 of rights of way and access plans. | To be diverted at the start of works and closed during subway extension works, diversion route from point PR 10/1 to point 10/2 on Sheet 10 of the rights of way and access plans.                                                               |

## SCHEDULE 6

Article 29

### LAND IN RESPECT OF WHICH ONLY NEW RIGHTS ETC. MAY BE ACQUIRED

| <i>(1)</i><br><i>Plot Reference Number shown<br/>on Land Plan</i> | <i>(2)</i><br><i>Purpose for which rights over<br/>land may be acquired</i>                                                                                                                                                                           | <i>(3)</i><br><i>Relevant part of the authorised<br/>development or ancillary works</i> |
|-------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| Land Plans – Sheet 1                                              |                                                                                                                                                                                                                                                       |                                                                                         |
| 1/4b                                                              | The construction of new northbound carriageway of the A1 dual carriageway from Warreners House Junction to Highlaws Junction. Access required by utility provider to divert gas, electrical, water lines.                                             | Work No. 1a                                                                             |
| 1/8b                                                              | The improvement of West View, to include alteration for a new footpath to the east side and new pavement 183m in length with inclusion of 9no. parking spaces, realignment of turning circle. Access required by utility provider to divert gas main. | Work No. 5a                                                                             |
| Land Plans – Sheet 2                                              |                                                                                                                                                                                                                                                       |                                                                                         |
| 2/9d                                                              | Construction of new culvert 75m in length. Access of maintenance of structures.                                                                                                                                                                       | Work No. 7                                                                              |
| 2/3c, 2/4b                                                        | The construction of new northbound carriageway of the A1 dual carriageway from Warreners House Junction to Highlaws Junction. Access to diverted utilities (gas, water, electricity).                                                                 | Work No. 1a                                                                             |
| 2/15b, 2/1c                                                       | Construction of new access track 1450m in length for maintenance of detention basin Access to diverted utilities (gas).                                                                                                                               | Work No. 8c                                                                             |
| 2/17a                                                             | Construction of new access track 870m in length for maintenance of drainage swale. Potential access to private property.                                                                                                                              | Work No. 8g                                                                             |
| 2/14b                                                             | Widening and resurfacing of Hebron Road as part of Highlaws Junction. Access to diverted utility (electrical).                                                                                                                                        | Work No. 8h                                                                             |
| 2/11c                                                             | Construction of new access                                                                                                                                                                                                                            | Work No. 8j                                                                             |

| <i>(1)<br/>Plot Reference Number shown<br/>on Land Plan</i> | <i>(2)<br/>Purpose for which rights over<br/>land may be acquired</i>                                                                                                                                                                                                                                          | <i>(3)<br/>Relevant part of the authorised<br/>development or ancillary works</i> |
|-------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| 2/2b                                                        | 275m in length for private access. Access to diverted utility (electrical).<br>Alteration and alignment of High Highlaws Road to create single carriageway 2 lane connection to Highlaws Junction retaining existing road for access 240m in length (Break out of carriageway).                                | Work No. 8b                                                                       |
| Land Plans – Sheet 3<br>3/1a, 3/6a, 3/5a, 3/2a              | Construction of new access track 1450m in length for maintenance of detention basin. Vehicle access to diverted utilities (gas).                                                                                                                                                                               | Work No. 8c                                                                       |
| 3/10b                                                       | Construction of new access track 870m in length for maintenance of drainage swale. Access for maintenance of badger fencing.                                                                                                                                                                                   | Work No. 8g                                                                       |
| Land Plans – Sheet 4<br>4/6b                                | Construction of slip road single lane carriageway for northbound on-access to the A1 from Fenrother Junction 220m in length and construction of new access 499m in length for private access.                                                                                                                  | Work No. 9b, 9e                                                                   |
| 4/20b, 4/23a                                                | Construction of 2no. lane road single carriageway for Fenrother free flow link road 685m in length from Fenrother Lane East to detrunked A1 for local access and detrunked section of old A1 crossing the River Lyne to Fenrother Lane East (realigned) 1166m in length. Access for maintenance of structures. | Work No. 10, 9i                                                                   |
| Land Plans – Sheet 5<br>5/1c                                | Construction of an access track from Causey Park Road to New House Farm 1363m in length. Access to Badger Fencing.                                                                                                                                                                                             | Work No. 11a                                                                      |
| Land Plans – Sheet 6<br>6/2c, 6/2s, 6/2x, 6/2t              | Diversion of National Grid Feeder 13 High Pressure gas                                                                                                                                                                                                                                                         | Work No. 12a                                                                      |

| <i>(1)<br/>Plot Reference Number shown<br/>on Land Plan</i> | <i>(2)<br/>Purpose for which rights over<br/>land may be acquired</i>                                                                                                                                                               | <i>(3)<br/>Relevant part of the authorised<br/>development or ancillary works</i> |
|-------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| 6/2c                                                        | main under the (new) A1<br>carriageway 30m in length.<br>Construction of access track<br>from Causey Park Road to<br>private land 191m in length.                                                                                   | Work No. 11b                                                                      |
| 6/2e                                                        | Construction of an access track<br>from Causey Park Road to<br>New House Farm 1363m in<br>length and Diversion of<br>National Grid Feeder 13 High<br>Pressure gas main under the<br>(new) A1 carriageway 30m in<br>length.          | Work No. 11a and Work No.<br>12a                                                  |
| 6/4b                                                        | Diversion underground of<br>Northern Power Grid Line,<br>1377m in length and Northern<br>Gas Network Medium Pressure<br>gas main 1233m in length.                                                                                   | Work No. 12b                                                                      |
| 6/2o                                                        | Construction of an access track<br>from Causey Park Road to<br>New House Farm 1363m in<br>length.                                                                                                                                   | Work No. 11a                                                                      |
| Land Plans – Sheet 7<br>7/10h                               | The construction of new<br>northbound carriageway of the<br>A1 dual carriageway 6896m in<br>length. Access to diverted<br>utility (gas).                                                                                            | Work No. 2b                                                                       |
| 7/7b                                                        | Construction of Burgham Park<br>Underbridge. Access for the<br>maintenance of structures.                                                                                                                                           | Work No. 14                                                                       |
| 7/10c, 7/15b                                                | The construction of new<br>northbound carriageway of the<br>A1 dual carriageway 6894m in<br>length and construction of new<br>culvert 77m in length. Access<br>to diverted utility (gas) and<br>access to watercourse<br>diversion. | Work No. 13, 2a                                                                   |
| 7/7a                                                        | The construction of new<br>northbound and southbound<br>carriageway of the A1 dual<br>carriageway 6894m in length.<br>Access for maintenance of<br>fence.                                                                           | Work No. 2a, 2b                                                                   |
| 7/10g, 7/15a                                                | The construction of new<br>northbound carriageway of the<br>A1 dual carriageway 6894m in<br>length and construction of<br>access track from Causey Park<br>Road to private land 191m in                                             | Work No. 2a, 11                                                                   |

| <i>(1)<br/>Plot Reference Number shown<br/>on Land Plan</i>           | <i>(2)<br/>Purpose for which rights over<br/>land may be acquired</i>                                                                                                                                                                                                                                                                                                                                                                                           | <i>(3)<br/>Relevant part of the authorised<br/>development or ancillary works</i> |
|-----------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| 7/15f                                                                 | length. Access to existing utility (gas) and drainage feature.<br>The construction of new northbound carriageway of the A1 dual carriageway 6896m in length. Access to diverted utility (electrical).                                                                                                                                                                                                                                                           | Work No. 2b                                                                       |
| Land Plans – Sheet 8<br>8/1d, 8/2c, 8/5b, 8/3c, 8/5c,<br>8/10a, 8/16b | The construction of new northbound carriageway of the A1 dual carriageway 6896m in length, construction of new culvert and construction of new access 242m in length for private access off Bywell Road. Access to diverted utility (gas).                                                                                                                                                                                                                      | Work No. 16a, 2b, 15                                                              |
| 8/17a                                                                 | Construction of new culvert 76m in length. Access for maintenance of structures.                                                                                                                                                                                                                                                                                                                                                                                | Work No. 15                                                                       |
| Land Plans – Sheet 9<br>9/21c, 9/20c                                  | Construction of new access 954 in length off Felton Road for maintenance of detention basin. Access for maintenance of structure.                                                                                                                                                                                                                                                                                                                               | Work No. 16h                                                                      |
| 9/1c, 9/8a                                                            | Alteration and alignment of West Moor Road to create single carriageway 2 lane connection to West Moor Junction, construction of West Moor Junction single span overbridge and slip road single lane carriageway for northbound on-access to the A1 from West Moor Junction. The construction of new northbound carriageway of the A1 dual carriageway. Access to Environmental Mitigation Area, utility diversion (electricity) and drainage pipe and outfall. | Work No. 16d, 16e, 16f, 3a                                                        |
| 9/1d                                                                  | Construction and access rights to new outfall from detention basin. Access rights required to environmental mitigation Area.                                                                                                                                                                                                                                                                                                                                    | Work Nos. 3a, 3b                                                                  |
| 9/6o, 9/6n, 9/6l, 9/6j, 9/6i,<br>9/6h, 9/6d , 9/2iii                  | The alteration of the existing River Coquet bridge to carry                                                                                                                                                                                                                                                                                                                                                                                                     | Work No. 3a                                                                       |

| <i>(1)<br/>Plot Reference Number shown<br/>on Land Plan</i> | <i>(2)<br/>Purpose for which rights over<br/>land may be acquired</i>                                                                                                                                                       | <i>(3)<br/>Relevant part of the authorised<br/>development or ancillary works</i> |
|-------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
|                                                             | northbound traffic on 2no. lanes in a single carriageway 230m. Access to bridge structure.                                                                                                                                  |                                                                                   |
| 9/6d, 9/12a, 9/12b, 9/12c, 9/6p                             | Construction of the River Coquet bridge, southbound carriageways, in parallel to the eastern side. Access to bridge structure.                                                                                              | Work No. 3b                                                                       |
| 9/12a, 9/12b, 9/129/                                        | The construction of the River Coquet bridge piers and access areas.                                                                                                                                                         | Work No. 4                                                                        |
| 9/13ii                                                      | The construction of the River Coquet bridge piers, scour protection. Access for maintenance of bridge and scour protection.                                                                                                 |                                                                                   |
| Land Plans – Sheet 10<br>10/1d, 10/3a                       | Construction of new culvert 137m in length. Access for maintenance of structures.                                                                                                                                           | Work No. 19                                                                       |
| 10/2c, 10/1b                                                | The alteration of the existing River Coquet bridge to carry northbound traffic on 2no. lanes in a single carriageway and construction of new northbound carriageway of the A1 dual carriageway. Access to bridge structure. | Work No. 3a                                                                       |
| 10/10a, 10/11a, 10/11, 10/9a, 10/2m, 10/2l                  | Extension of Parkwood Subway. Access to drainage pipe, drainage tank, culvert and River Coquet bridge.                                                                                                                      | Work No. 18                                                                       |
| 10/5e, 10/1o                                                | Construction of new culvert 137m in length. Access to drainage pipe.                                                                                                                                                        | Work No. 19                                                                       |
| Land Plans – Sheet 11<br>11/1g, 11/1j, 11/1l                | Construction and maintenance access for realignment of 66kV electrical cable to service the Middlemoor Wind Farm.                                                                                                           | Work No. 24                                                                       |
| 11/4f                                                       | Construction and access rights to new outfall from detention basin.                                                                                                                                                         | Work No. 21b (Ancillary Works)                                                    |
| 11/1a                                                       | Creation of new public right of way.                                                                                                                                                                                        | Work No. 26 (Ancillary Works)                                                     |
| 11/1h                                                       | Access rights to the 66kV electrical cable to service the Middlemoor Wind Farm.                                                                                                                                             | Work No. 24 (Ancillary Works)                                                     |

| <i>(1)<br/>Plot Reference Number shown<br/>on Land Plan</i>                               | <i>(2)<br/>Purpose for which rights over<br/>land may be acquired</i>                                                                                     | <i>(3)<br/>Relevant part of the authorised<br/>development or ancillary works</i> |
|-------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| Land Plans – Sheet 12                                                                     |                                                                                                                                                           |                                                                                   |
| 12/1a, 12/2a, 12/3a                                                                       | Construction of new maintenance access track to detention basin (662m in length).                                                                         | Work No. 26                                                                       |
| 12/3s 12/3y, 12/3dd                                                                       | Construction and maintenance access for realignment of 66kV electrical cable to service the Middlemoor Wind Farm.                                         | Work No. 24                                                                       |
| 12/3ff, 12/3gg, 12/3hh, 12/3ii, 12/3m, 12/3t, 12/3n, 12/3x, 12/3dd, 12/3bb, 12/dd, 12/3ee | Access rights to the 66kV electrical cable to service the Middlemoor Wind Farm.                                                                           | Work No. 24 (Ancillary Works)                                                     |
| 12/4a                                                                                     | Access rights over new maintenance access track to detention basin.                                                                                       | Work No. 26 (Ancillary Works)                                                     |
| 12/3cc                                                                                    | Creation of new byway. Access rights to the 66kV electrical cable to service the Middlemoor Wind Farm.                                                    | Work No. 27 (Ancillary Works)                                                     |
| 12/3b, 12/3c, 12/3d                                                                       | Creation of new byway.                                                                                                                                    | Work No. 27 (Ancillary Works)                                                     |
| 12/3k                                                                                     | Creation of new bridleway.                                                                                                                                | Work No. 26 (Ancillary Works)                                                     |
| Land Plans – Sheet 13                                                                     |                                                                                                                                                           |                                                                                   |
| 13/1a, 13/1b, 13/1c                                                                       | Access rights over new maintenance access track to detention basin.                                                                                       | Work No. 21a, 28 (Ancillary Works)                                                |
| 13/1d, 13/1k, 13/5a                                                                       | Creation of new public right of way.                                                                                                                      | Work No. 11a (Ancillary Works)                                                    |
| 13/1f                                                                                     | Creation of new byway.                                                                                                                                    | Work No. 27 (Ancillary Works)                                                     |
| 13/1p                                                                                     | Creation of new byway.                                                                                                                                    | Work No. 24                                                                       |
|                                                                                           | Realignment and access rights over 66kV electrical cable to service the Middlemoor Wind Farm.                                                             |                                                                                   |
| 14/4i                                                                                     | Realignment and access rights over 66kV electrical cable to service the Middlemoor Wind Farm. Stopping up of local access and construction of turnaround. | Work No 24.                                                                       |
| 13/2c, 13/6b, 13/5d, 14/1f, 14/4e, 13/1n                                                  | Realignment and access rights over 66kV electrical cable to service the Middlemoor Wind Farm.                                                             | Work No. 24                                                                       |
| 13/1h                                                                                     | Access rights over utility diversion.                                                                                                                     | Work No. 27 (Ancillary Works)                                                     |
| Land Plans – Sheet 14                                                                     |                                                                                                                                                           |                                                                                   |
| 14/4e, 14/4j, 14/6c                                                                       | Access rights associated with stopping up of existing access road.                                                                                        | Work No. 24, 30b (Ancillary Works)                                                |
| 14/6b                                                                                     | Realignment and access rights over 66kV electrical cable to service the Middlemoor Wind                                                                   | Work No. 24                                                                       |



| <i>(1)<br/>Plot Reference Number shown<br/>on Land Plan</i> | <i>(2)<br/>Purpose for which rights over<br/>land may be acquired</i>                                                                | <i>(3)<br/>Relevant part of the authorised<br/>development or ancillary works</i> |
|-------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| Land Plans – Sheet 15                                       | Farm. Stopping up of local access and construction of turnaround. Access rights associated with stopping up of existing access road. |                                                                                   |
| 15/4f, 5/24b                                                | Realignment and access rights over 66kV electrical cable to service the Middlemoor Wind Farm.                                        | Work No. 24                                                                       |
| 15/1e, 15/1g, 15/23e                                        | Access to traffic sign.                                                                                                              | Work No. 29c, 29k (Ancillary Works)                                               |
| 15/24d, 15/24e, 15/26c<br>15/27a, 15/18h                    | Access rights to the 66kV electrical cable to service the Middlemoor Wind Farm.                                                      | Work No. 24 (Ancillary Works)                                                     |
| 15/1j                                                       | Construction and access rights over utility diversion.                                                                               | Work No. 29c, 29e, 29g, 29h (Ancillary Works)                                     |
| 15/6b, 15/6c, 5/6e                                          | Construction and access rights over new outfall from detention basin.                                                                | Work No. 24, 31 (Ancillary Works)                                                 |
| 15/18c                                                      | Creation of new public right of way. Access rights to the 66kV electrical cable to service the Middlemoor Wind Farm.                 | Work No. 24 (Ancillary Works)                                                     |
| 15/24c                                                      | Creation of new public right of way.                                                                                                 | Work No. 24 (Ancillary Works)                                                     |
| Land Plans – Sheet 16                                       |                                                                                                                                      |                                                                                   |
| 16/1a,                                                      | Access rights to and over utility diversion.                                                                                         | Work No. 23a, 35 (Ancillary Works)                                                |
| 16/3ee, 16/3y, 16/3z, 16/5a                                 | Construction and access rights over new agricultural track and utility diversion.                                                    | Work No. 32                                                                       |
| 16/3i, 16/3j, 16/3k, 16/4b,<br>16/4d                        | Construction and access rights over utility diversion.                                                                               | Work No. 23b (Ancillary Works)                                                    |
| 16/5e                                                       | Realignment and access rights over 66kV electrical cable to service the Middlemoor Wind Farm.                                        | Work No. 24 (Ancillary Works)                                                     |
| 16/9e, 16/10b                                               | Environmental mitigation works.                                                                                                      | Work No. 23b, 24 (Ancillary Works)                                                |
| 16/3h, 16/5g, 16/11a                                        | Realignment and access rights over 66kV electrical cable to service the Middlemoor Wind Farm and other utility diversions.           | Work No. 4                                                                        |
| Land Plans – Sheet 17                                       |                                                                                                                                      |                                                                                   |
| 7/2a, 17/5a, 17/6b, 17/6g                                   | Construction and access rights                                                                                                       | Work No. 23a, 23b (Ancillary Works)                                               |

| <i>(1)</i><br><i>Plot Reference Number shown</i><br><i>on Land Plan</i> | <i>(2)</i><br><i>Purpose for which rights over</i><br><i>land may be acquired</i><br><i>over utility diversion.</i>                                                                                                                                                                                                                                                                    | <i>(3)</i><br><i>Relevant part of the authorised</i><br><i>development or ancillary works</i><br><i>Works)</i> |
|-------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|
| Land Plans – Sheet 18<br>18/3b, 18/2b, 18/3a, 18/2a,<br>18/1a           | Access rights to the 66kV<br>electrical cable to service the<br>Middlemoor Wind Farm.<br><br>Access required for the<br>construction of Heckley Fence<br>Overbridge and associated<br>ramps over the widened A1<br>(330m in length).<br><br>Access required for the<br>construction of new<br>southbound carriageway of the<br>A1 dual carriageway from<br>Denwick Burn to Rock Lodge. | Work No. 24, 27, 21b<br>(Ancillary Works)                                                                      |

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

### *Compensation enactments*

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

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

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

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

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

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

- “(a) the acquiring authority enters on land for the purpose of exercising a right in pursuance of a notice of entry under section 11(1) of the 1965 Act;
- (b) the acquiring authority is subsequently required by a determination under paragraph 13 of Schedule 2A to the 1965 Act (as substituted by paragraph 10 of Schedule 7 (modification of compensation and compulsory purchase enactments for creation of new rights and imposition of restrictive covenants) to the A1 in Northumberland: Morpeth to Ellingham Development Consent Order 20[ ] to acquire an interest in the land; and
- (c) the acquiring authority enters on and takes possession of that land,  
the authority is deemed for the purposes of subsection (3)(a) to have entered on that land where it entered on that land for the purpose of exercising that right.”.

### *Application of the 1965 Act*

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

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

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<sup>(eee)</sup> 1973 c. 26.

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

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

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

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

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

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

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

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

8. Section 22 (interests omitted from purchase) of the 1965 Act is modified so as to enable the acquiring authority in circumstances corresponding to those referred to in that section, to continue to be entitled to exercise the right acquired, subject to compliance with that section as respects compensation.

9. For Schedule 2A of the 1965 Act substitute—

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

(**ggg**) Section 12 was amended by section 56(2) of, and Part 1 of Schedule 9 to, the Courts Act 1971 (c. 23).

(**hhh**) 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).

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

## “SCHEDULE 2A

### COUNTER-NOTICE REQUIRING PURCHASE OF LAND

#### *Introduction*

1. This Schedule applies where an acquiring authority serves a notice to treat in respect of a right over, or restrictive covenant affecting, the whole or part of a house, building or factory and has not executed a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981( ) as applied by article 29 of the A1 : Morpeth to Ellingham Development Consent Order 20[ ] in respect of the land to which the notice to treat relates.

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

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

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

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

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

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

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

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

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

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

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

#### **Determination by Upper Tribunal**

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

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

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

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

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

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

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

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

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

## SCHEDULE 8

Article 35

### LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

| <i>(1)</i><br><i>Plot Reference Number shown<br/>on Land Plan</i> | <i>(2)</i><br><i>Purpose for which rights over<br/>land may be acquired</i>                                                                                                                                                                                          | <i>(3)</i><br><i>Relevant part of the authorised<br/>development or ancillary works</i> |
|-------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| Land Plans - Sheet 1                                              |                                                                                                                                                                                                                                                                      |                                                                                         |
| 1/4d                                                              | Construction of new northbound carriageway of the A1 dual carriageway from Warreners House Junction to Highlaws Junction. Temporary land take required to facilitate construction activities.                                                                        | Work No. 1a                                                                             |
| 1/4a                                                              | Topsoil storage of construction of new northbound carriageway of the A1 dual carriageway from Warreners House Junction to Highlaws Junction and alteration of existing A1 to provide southbound dual carriageway from Warreners House Junction to Highlaws Junction. | Work No. 1a, 1b                                                                         |
| 1/9a, 1/10a, 1/11b, 1/11a, 1/12a, 1/13a, 1/9c                     | Construction of new access track 832m in length to the north of the West View turning circle, new access track 150m in length to Warreners House and new access track 326m in length to private land.                                                                | Work No. 5b, 5c and 5d                                                                  |
| 1/8a, 1/8c, 1/8d                                                  | Construction works for improvement of West View, to include alteration for a new footpath to the east side and new pavement 183m in length with inclusion of 9no. parking spaces, realignment of turning circle.                                                     | Work No. 5a                                                                             |
| Land Plans - Sheet 2                                              |                                                                                                                                                                                                                                                                      |                                                                                         |
| 2/17c                                                             | Construction of new access track 870m in length for maintenance of drainage swale and Widening and resurfacing of Hebron Road. Access to private property and construction access to divert utility (telecom).                                                       | Work No. 8g, 8h                                                                         |
| 2/1e                                                              | Construction of new northbound carriageway of the A1 and alteration of existing A1 dual carriageway from                                                                                                                                                             | Work No. 1a, 1b                                                                         |

| <i>(1)<br/>Plot Reference Number shown<br/>on Land Plan</i> | <i>(2)<br/>Purpose for which rights over<br/>land may be acquired</i>                                                                                                                                                                                            | <i>(3)<br/>Relevant part of the authorised<br/>development or ancillary works</i> |
|-------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| 2/1d                                                        | Warreners House Junction to Highlaws and temporary land take required to facilitate construction activities, top soil storage.<br>Construction of new access track 1450m in length for maintenance of detention basin. Access to divert utilities (electricity). | Work No. 8c                                                                       |
| 2/1a                                                        | Alteration and alignment of High Highlaws Road. Access for fencing construction.                                                                                                                                                                                 | Work No. 8b                                                                       |
| 2/14c                                                       | Access to divert utilities (electricity).                                                                                                                                                                                                                        | Work No. 8h                                                                       |
| 2/9b, 2/9e, 2/11b, 2/8b                                     | The alteration of existing A1 to provide southbound dual carriageway from Warreners House Junction to Highlaws.                                                                                                                                                  | Work No. 1b                                                                       |
| 2/11d, 2/11h, 2/11f, 2/11e                                  | Construction of slip road single lane carriageway for southbound on-access to the A1. Access track to private properties.                                                                                                                                        | Work No. 8j                                                                       |
| 2/18b                                                       | Widening and resurfacing of Hebron Road as part of Highlaws Junction.                                                                                                                                                                                            | Work No. 8h                                                                       |
| 2/7b                                                        | Construction of new access track 326m in length to private land.                                                                                                                                                                                                 | Work No. 5d                                                                       |
| 2/3a, 2/4a                                                  | Construction of new northbound carriageway of the A1 dual carriageway.                                                                                                                                                                                           | Work No. 1a                                                                       |
| Land Plans - Sheet 3                                        |                                                                                                                                                                                                                                                                  |                                                                                   |
| 3/11g                                                       | Course of the River Lyne, running east/west under the proposed existing bridge structure.                                                                                                                                                                        | Work No. 10a                                                                      |
| 3/15a                                                       | Detrunked section of old A1 crossing the River Lyne to Fenrother Lane East.<br>Maintenance access track.                                                                                                                                                         | Work No. 10a                                                                      |
| 3/13b                                                       | Construction of new northbound carriageway of the A1 dual carriageway. Area for associated environmental mitigation.                                                                                                                                             | Work No. 2b                                                                       |
| 3/1b                                                        | Construction of new access                                                                                                                                                                                                                                       | Work No. 8c                                                                       |



| <i>(1)<br/>Plot Reference Number shown<br/>on Land Plan</i> | <i>(2)<br/>Purpose for which rights over<br/>land may be acquired</i>                                                                                                                                                                                                                             | <i>(3)<br/>Relevant part of the authorised<br/>development or ancillary works</i> |
|-------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| 3/10c                                                       | track 1450m in length for maintenance of detention basin. Access to diverted utilities (gas).<br>Construction of new access track off Hebron Road to private properties and land.                                                                                                                 | Work No. 8g                                                                       |
| Land Plans - Sheet 4<br>4/5b, 4/6a                          | Construction of new access 499m in length for private access. Access to private property.                                                                                                                                                                                                         | Work No. 9e                                                                       |
| 4/7a                                                        | Alteration and alignment of Fenrother Lane West to create single carriageway 2 lane connection. Temporary construction area for realignment works.                                                                                                                                                | Work No. 9b                                                                       |
| 4/9c, 4/5e, 4/21a                                           | Construction of new northbound carriageway of the A1 dual carriageway, Construction of slip road single lane carriageway for southbound off-access to Fenrother Junction and 2no. lane road single carriageway for Fenrother. Temporary land take required to facilitate construction activities. | Work No. 2b, 9l, 9f                                                               |
| 4/23b                                                       | Detrunked section of old A1 from Portland House to Bockenfield Bridge.                                                                                                                                                                                                                            | Work No 10b                                                                       |
| 4/20a, 4/11g, 4/17a, 4/16a, 4/15a, 4/12b                    | Detrunked section of old A1 crossing the River Lyne to Fenrother Lane East.                                                                                                                                                                                                                       | Work No. 10a                                                                      |
| 4/11a                                                       | Temporary Construction of 2no. lane road single carriageway for Fenrother.                                                                                                                                                                                                                        | Work No. 9i                                                                       |
| 4/5a, 4/8a                                                  | Construction of new access 195m in length for private access. New access track off Fenrother Lane (West) to private land.                                                                                                                                                                         | Work No. 9a                                                                       |
| 4/1a, 4/4a, 4/2a/ 4/3a                                      | Alteration and alignment of Fenrother Lane West to create single carriageway 2 lane connection. Alteration and alignment of Fenrother Lane West.                                                                                                                                                  | Work No. 9b                                                                       |

| <i>(1)<br/>Plot Reference Number shown<br/>on Land Plan</i> | <i>(2)<br/>Purpose for which rights over<br/>land may be acquired</i>                                                                                                | <i>(3)<br/>Relevant part of the authorised<br/>development or ancillary works</i> |
|-------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| 4/4b, 4/8b, 4/8d, 4/11c, 4/11d                              | Construction of new northbound and southbound carriageway of the A1 dual carriageway. Access to diverted utility (electricity).                                      | Work No. 2a, 2b                                                                   |
| Land Plans - Sheet 5<br>5/1d, 5/1f, 5/1h                    | Construction of an access track from Causey Park Road to New Houses Farm. Access to attenuation basin.                                                               | Work No. 11a                                                                      |
| 5/10a                                                       | Detrunked section of old A1 from Portland House to Bockenfield Bridge.<br>Detrunking of section of old A1.                                                           | Work No.10b                                                                       |
| 5/1g, 5/7a, 5/3c, 5/6b, 5/4c, 5/8b                          | Construction of new southbound carriageway.                                                                                                                          | Work No. 2b                                                                       |
| 5/1a, 5/3a, , 5/4a, 5/5a                                    | Construction of new northbound carriageway and an access track from Causey Park Road to New Houses Farm. Temporary work on access to diverted utility (electricity). | Work No. 11a, 2a                                                                  |
| Land Plans - Sheet 6<br>6/2i, 6/2d, 6/2f, 6/2l, 6/2k, 6/2n  | Construction of access track from Causey Park Road to private land. Access to detention basin.                                                                       | Work No. 11b                                                                      |
| 6/2j                                                        | Construction of new southbound carriageway and access track from Causey Park Road to private land. Access to diverted utility (electrical).                          | Work No. 2a, 11b                                                                  |
| 6/2h, 6/2q                                                  | Construction of an access track from Causey Park Road to New Houses Farm. Access to detention basin and badger fencing.                                              | Work No. 11a                                                                      |
| 6/2b                                                        | Construction of an access track from Causey Park Road to New Houses Farm and diversion of National Grid gas main. Access to diverted.                                | Work No. 12a, 11a                                                                 |
| 6/4d                                                        | Diversion underground of electrical line 1377m in length and gas main 1233m in length. Access to diverted utility (electrical and gas).                              | Work No. 12b                                                                      |
| 6/2v, 6/4c                                                  | Diversion underground of electrical line 1377m in length and gas main 1233m in length. Access required for utility diversion (electrical and gas).                   | Work No. 12b                                                                      |

| <i>(1)<br/>Plot Reference Number shown<br/>on Land Plan</i> | <i>(2)<br/>Purpose for which rights over<br/>land may be acquired</i>                                                                                                                                                                                    | <i>(3)<br/>Relevant part of the authorised<br/>development or ancillary works</i> |
|-------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| 6/7a, 6/8a, 6/9a, 6/10b, 6/14a,<br>6/13a                    | Detrunked section of old A1<br>from Portland House to<br>Bockenfield Bridge.                                                                                                                                                                             | Work No. 10b                                                                      |
| 6/2r, 6/12a, 6/2y                                           | Diversion underground of<br>electrical line 1377m in length<br>and gas main 1233m in length.<br>Access to diverted utilities (gas<br>and electrical).                                                                                                    | Work No. 12b                                                                      |
| 6/2u                                                        | Diversion underground of<br>electrical line, including under<br>the A1 and gas main.                                                                                                                                                                     | Work No. 12a, 12b                                                                 |
| Land Plans - Sheet 7<br>7/11a, 7/11b                        | Detrunked section of old A1<br>from Portland House to<br>Bockenfield Bridge                                                                                                                                                                              | Work No. 10b                                                                      |
| 7/4a, 7/9c, 7/7d                                            | Construction access of<br>Burgham Park Underbridge as<br>an integral single span bridge.                                                                                                                                                                 | Work No. 14                                                                       |
| 7/1a                                                        | Access for construction of new<br>southbound carriageway of the<br>A1 dual carriageway.                                                                                                                                                                  | Work No. 2a                                                                       |
| 7/9b, 7/8a, 7/7c, 7/10b                                     | Access for construction of new<br>southbound carriageway of the<br>A1 dual carriageway.                                                                                                                                                                  | Work No. 2a                                                                       |
| 7/10d                                                       | Access for construction of new<br>southbound and northbound<br>carriageway of the A1 dual<br>carriageway and Burgham Park<br>Underbridge as an integral<br>single span bridge. Temporary<br>land take required to facilitate<br>construction activities. | Work No. 2a, 2b, 14                                                               |
| 7/10e, 7/15e                                                | Construction of new<br>northbound carriageway.<br>Access to diverted<br>utility (gas).                                                                                                                                                                   | Work No. 2b                                                                       |
| 7/15c                                                       | Construction of new<br>southbound carriageway of A1.<br>Access to diverted utility<br>(electrical).                                                                                                                                                      | Work No. 2a                                                                       |
| 7/15g, 7/15l                                                | Access for construction of new<br>northbound carriageway.                                                                                                                                                                                                | Work No. 2b                                                                       |
| Land Plans - Sheet 8<br>8/1a, 8/6a, 8/4a                    | Access for construction of<br>alteration and realignment of<br>Bywell Road to West Moor<br>Road, and new culvert and two<br>open engineered ditches.                                                                                                     | Work No. 16b, 17                                                                  |
| 8/9a, 8/7b                                                  | Access for the construction of<br>roundabout carriageway 130m<br>in length at West Moor<br>Junction and Felton Moor                                                                                                                                      | Work No. 16l                                                                      |

| <i>(1)<br/>Plot Reference Number shown<br/>on Land Plan</i> | <i>(2)<br/>Purpose for which rights over<br/>land may be acquired</i>                                                                                                     | <i>(3)<br/>Relevant part of the authorised<br/>development or ancillary works</i> |
|-------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| 8/8b                                                        | Road.<br>Access for the construction of roundabout carriageway 130m in length at West Moor Junction and Felton Moor Road and new culvert and two open engineered ditches. | Work No. 16l, 17                                                                  |
| 8/3a, 8/2b, 8/10b<br>8/16a, 8/14a, 8/1c                     | Access for construction of new southbound carriageway of A1 and new access 242m in length for private access off Bywell Road.                                             | Work No. 16a, 2a                                                                  |
| Land Plans - Sheet 9<br>9/2b, 9/2f, 9/2c                    | Access to bridge structure for alteration of the existing River Coquet bridge.                                                                                            | Work No. 3a                                                                       |
| 9/1a                                                        | Establishment of temporary fencing and permanent hedgerow on the highway perimeter.                                                                                       | Work No. 3a                                                                       |
| 9/18f, 9/23b, 9/21b, 9/20b                                  | Access for construction of new access 954m in length off Felton Road for maintenance of detention basin.                                                                  | Work No. 16h                                                                      |
| 9/2a                                                        | Construction of new southbound carriageway of the A1 dual carriageway. Required for environmental Mitigation.                                                             | Work No. 3a                                                                       |
| 9/25a, 9/24a                                                | Temporary land take required to facilitate construction activities of realignment and resurfacing of Felton Road as part of West Moor Junction.                           | Work No. 16i                                                                      |
| 9/20d                                                       | Topsoil storage area for construction of new northbound and southbound carriageway of the A1 dual carriageway.                                                            | Work No. 3a, 3b                                                                   |
| 9/22c                                                       | Access for construction of new link road from West Moor Junction roundabout to Bockenfield Bridge.                                                                        | Work No. 16l                                                                      |
| 9/13a, 9/7b, 9/12a                                          | Access for alteration and realignment of Bywell Road to West Moor Road.                                                                                                   | Work No. 16b                                                                      |
| 9/8b, 9/1e                                                  | Access construction of West Moor Junction single span overbridge and slip road single lane carriageway for northbound on-access to the                                    | Work No. 16e, 16f                                                                 |

| <i>(1)<br/>Plot Reference Number shown<br/>on Land Plan</i> | <i>(2)<br/>Purpose for which rights over<br/>land may be acquired</i>                                                                                                                                                                                                                                       | <i>(3)<br/>Relevant part of the authorised<br/>development or ancillary works</i> |
|-------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| 9/1d                                                        | A1 from West Moor Junction.<br>Required for environmental<br>mitigation for construction of<br>West Moor Junction single<br>span overbridge and slip road<br>single lane carriageway for<br>northbound on-access to the<br>A1 from West Moor Junction<br>and alteration and alignment of<br>West Moor Road. | Work No. 16d, 16e, 16f                                                            |
| 9/4a                                                        | Mitigation for construction of<br>West Moor Junction single<br>span overbridge and alteration<br>and alignment of West Moor<br>Road.                                                                                                                                                                        | Work No. 16d, 16e                                                                 |
| Land Plans - Sheet 10                                       |                                                                                                                                                                                                                                                                                                             |                                                                                   |
| 10/2g, 10/2h, 10/1h, 10/3f, 10/i                            | Access for construction of new<br>northbound carriageway of the<br>A1 dual carriageway.                                                                                                                                                                                                                     | Work No. 3a                                                                       |
| 10/3l, 10/8a                                                | Construction of new access,<br>parcel required for access to<br>drainage pipe.                                                                                                                                                                                                                              | Work No. 20                                                                       |
| 10/5d, 10/1m                                                | Access for construction of new<br>culvert.                                                                                                                                                                                                                                                                  | Work No. 19                                                                       |
| 10/5b                                                       | Construction of new access<br>and construction of new<br>southbound carriageway of the<br>A1 dual carriageway.                                                                                                                                                                                              | Work No. 20 and 3b                                                                |
| 10/2d, 10/3d, 10/1c, 10/2e,<br>10/2a, 10/1a                 | Access for construction of new<br>northbound carriageway of the<br>A1 dual carriageway and<br>alteration of the existing River<br>Coquet bridge.                                                                                                                                                            | Work No. 3a                                                                       |
| 10/1e, 10/2f                                                | Access for construction of new<br>culvert 137m in length.                                                                                                                                                                                                                                                   | Work No. 19                                                                       |
| 10/1n, 10/2j, 10/4b, 10/2k                                  | Access for construction of new<br>southbound carriageway of the<br>A1 dual carriageway.                                                                                                                                                                                                                     | Work No. 3b                                                                       |
| 10/1k                                                       | Access for extension of<br>Parkwood Subway including<br>associated embankments,<br>hardstanding for land access<br>and other substructure and<br>superstructure elements.                                                                                                                                   | Work No. 18                                                                       |
| Land Plans - Sheet 11                                       |                                                                                                                                                                                                                                                                                                             |                                                                                   |
| 11/1b                                                       | Access required for the<br>alteration of existing A1 to<br>provide northbound dual<br>carriageway from Denwick<br>Burn to Rock Lodge.                                                                                                                                                                       | Work No. 21a                                                                      |
| 11/1k, 1/1n, 11/2c, 11/2d, 11/3c                            | Alteration and realignment of                                                                                                                                                                                                                                                                               | Work No. 21a, 21b (Ancillary)                                                     |

| <i>(1)<br/>Plot Reference Number shown<br/>on Land Plan</i> | <i>(2)<br/>Purpose for which rights over<br/>land may be acquired</i>                                                                                                                                                                                  | <i>(3)<br/>Relevant part of the authorised<br/>development or ancillary works</i> |
|-------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
|                                                             | road markings and<br>new/relocation of ADS signs.                                                                                                                                                                                                      | Works)                                                                            |
| 11/4b, 11/1e, 11/1f, 11/4c,                                 | Temporary works for utility<br>diversions.                                                                                                                                                                                                             | Work No. 24, 21b (Ancillary<br>Works)                                             |
| 11/4e                                                       | Construction of outfall from<br>new detention basin.                                                                                                                                                                                                   | Work No. 21b (Ancillary<br>Works)                                                 |
| Land Plans - Sheet 12                                       |                                                                                                                                                                                                                                                        |                                                                                   |
| 12/3i, 12/3h                                                | Access required for the<br>construction of Heckley Fence<br>Overbridge and associated<br>ramps over the widened A1.                                                                                                                                    | Work No. 27                                                                       |
| 12/3j, 12/3q, 12/3f                                         | Temporary works for utility<br>diversions.                                                                                                                                                                                                             | Work No. 21a (Ancillary<br>Works)                                                 |
| 12/3u                                                       | Access required for the<br>construction of northbound<br>carriageway of the A1.                                                                                                                                                                        | Work No. 21a                                                                      |
| Land Plans - Sheet 13                                       |                                                                                                                                                                                                                                                        |                                                                                   |
| 13/1e                                                       | Establishment of fencing on<br>the highway perimeter.                                                                                                                                                                                                  | Work No. 21a, 27, 28<br>(Ancillary Works)                                         |
| 13/1q                                                       | Establishment of a storage area<br>and associated access.                                                                                                                                                                                              | Work No. 27 (Ancillary Works)                                                     |
| Land Plans - Sheet 14                                       |                                                                                                                                                                                                                                                        |                                                                                   |
| 14/1a, 14/2a                                                | Alteration and realignment of<br>road markings and<br>new/relocation of signs.                                                                                                                                                                         | Work No. 29a (Ancillary<br>Works)                                                 |
| 14/1b, 14.1d, 14/4b, 14/4g                                  | Establishment of temporary<br>fencing and permanent<br>hedgerow on the highway<br>perimeter. It will also support<br>the alteration of existing A1 to<br>provide northbound dual<br>carriageway from Denwick<br>Burn to Rock Lodge and<br>realignment. | Work No. 21a                                                                      |
| 14-5a                                                       | Establishment of fencing on<br>the highway perimeter.                                                                                                                                                                                                  | Work No. 28 (Ancillary<br>Works)                                                  |
| 14/16                                                       | Establishment of a storage area<br>and associated access.                                                                                                                                                                                              | Work No. 24 (Ancillary Works)                                                     |
| 15/7a                                                       | Establishment of fencing on<br>the highway perimeter.                                                                                                                                                                                                  | Work No. 28 (Ancillary Works)                                                     |
| Land Plans - Sheet 15                                       |                                                                                                                                                                                                                                                        |                                                                                   |
| 15/1b, 15/1h,                                               | Realignment and resurfacing of<br>B6347, as part of the new<br>Charlton Mires Junction.                                                                                                                                                                | Work No. 29c                                                                      |
| 15/3l, 15/8c, 15/2c, 15/9a,<br>15/2e, 15/3o.                | Access required for<br>realignment and resurfacing of<br>B6341 (528m in length).                                                                                                                                                                       | Work No. 29a                                                                      |
| 15/6f                                                       | Access for realignment of the<br>66kV electrical cable to service<br>the Middlemoor Wind Farm<br>and construction of Kittycarter<br>Burn diversion.                                                                                                    | Work No. 24, 31                                                                   |

| <i>(1)<br/>Plot Reference Number shown<br/>on Land Plan</i> | <i>(2)<br/>Purpose for which rights over<br/>land may be acquired</i>                                                                   | <i>(3)<br/>Relevant part of the authorised<br/>development or ancillary works</i> |
|-------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| 15/6g                                                       | Access required for<br>realignment and resurfacing of<br>B6347, as part of the new<br>Charlton Mires Junction.                          | Work No.2 9k                                                                      |
| 15/18e                                                      | Alteration of existing A1 to<br>provide the northbound<br>carriageway of the A1 dual<br>carriageway from Denwick<br>Burn to Rock Lodge. | Work No. 21a                                                                      |
| 15/11a                                                      | Realignment and resurfacing of<br>Rock Nab access (56m in<br>length).                                                                   | Work No. 29b                                                                      |
| 15/10a, 15/10b                                              | Access required for<br>realignment and resurfacing of<br>B6341 and Rock Nab access.                                                     | Work No. 9a, 9b                                                                   |
| 15/26a, 15/25a, 15/22b                                      | Environmental mitigation<br>works. Alteration and<br>realignment of road markings<br>and new/relocation of signs.                       | Work No. 29k, 30a (Ancillary<br>Works)                                            |
| 15/21b, 15/4d, 15/4c                                        | Temporary access to adjacent<br>works.                                                                                                  | Work No. 21a, 29a (Ancillary<br>Works)                                            |
| 15/4a                                                       | Landscaping works.                                                                                                                      | Work No. 29h (Ancillary<br>Works)                                                 |
| 15/1a                                                       | Lowering of tributary bank.                                                                                                             | Work No. 29h, 34 (Ancillary<br>Works)                                             |
| 15/1h, 15/6d                                                | Establishment of a storage area<br>and associated access.                                                                               | Work No. 24, 29 (Ancillary<br>Works)                                              |
| 15/23d, 15/18d                                              | Establishment of fencing on<br>the highway perimeter.                                                                                   | Work No. 24, 22b (Ancillary<br>Works)                                             |
| 15/18a, 15/8b, 15/3b, 15/3c,<br>15/19b, 15/20a              | Alteration and realignment of<br>road markings and<br>new/relocation of signs.                                                          | Work No. 29a, 29b (Ancillary<br>Works)                                            |
| Land Plans - Sheet 16                                       |                                                                                                                                         |                                                                                   |
| 16/4c, 16/3l, 16/11c, 16/5f                                 | Temporary works for utility<br>diversions.                                                                                              | Work No. 23, 24, 29h, 29l<br>(Ancillary Works)                                    |
| 61/9d,                                                      | Environmental mitigation<br>works.                                                                                                      | Work No. 23b, 24 (Ancillary<br>Works)                                             |
| 16/5c                                                       | Access required for the<br>construction of new<br>agricultural track, 169m in<br>length.                                                | Work No. 22                                                                       |
| 16/5h                                                       | Construction of local access<br>road linking Charlton Mires<br>Junction and West Linkhall,<br>(714m in length).                         | Work No. 29h                                                                      |
| 16/5i                                                       | Access required for the<br>construction of a southbound<br>slip road as part of Charlton<br>Mires Junction.                             | Work No. 29l                                                                      |
| 16/1b                                                       | Temporary access to adjacent<br>works. Landscaping works.                                                                               | Work No. 23a, 24 (Ancillary<br>Works)                                             |
| Land Plans - Sheet 17                                       |                                                                                                                                         |                                                                                   |

| <i>(1)</i><br><i>Plot Reference Number shown</i><br><i>on Land Plan</i>                                                            | <i>(2)</i><br><i>Purpose for which rights over</i><br><i>land may be acquired</i>  | <i>(3)</i><br><i>Relevant part of the authorised</i><br><i>development or ancillary works</i> |
|------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| 17/1a, 17/2a, 17/2b, 17/2c,<br>17/2d, 17/2e, 17/2f, 17/2g,<br>17/3a, 17/4a, 17/6a, 17/6d,<br>17/6e, 17/6h<br>Land Plans - Sheet 18 | Alteration and realignment of<br>road markings and<br>new/relocation of ADS signs. | Work No. 23a, 24 (Ancillary<br>Works)                                                         |
| 19/1a                                                                                                                              | Establishment of a site<br>compound and associated<br>access.                      | Non-linear works.<br>(Construction Compounds)                                                 |



## SCHEDULE 9

Articles 40 and 41

### TREES AND HEDGEROWS

#### PART 1

#### REMOVAL OF HEDGEROWS

| <i>(1)</i><br><i>Location of hedgerow</i>                                                                               | <i>(2)</i><br><i>Work to be carried out</i>                                                                                                                                   | <i>(3)</i><br><i>Relevant part of the authorised development</i> |
|-------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|
| Hedgerow located between E418304, N588416 and E418383, N588614 on Sheet 1 – 2 of the Vegetation clearance plans.        | The hedgerow will be removed to facilitate two new access tracks (832m and 150m in length).                                                                                   | Work No. 5b and 5c                                               |
| Hedgerow located between E418214, N588639 and E418357, N589708 on Sheet 2 – 3 of the vegetation clearance plans (West). | The hedgerow will be removed to facilitate construction of northbound carriageway and a new culvert.                                                                          | Work No. 1a and 7                                                |
| Hedgerow located between E418237, N418237 and E418266, N589115 on Sheet 2 of the vegetation clearance plans.            | The hedgerow will be removed to facilitate a new access track (583m in length) and alteration works to existing southbound A1 trunk road.                                     | Work No. 5d and 1b                                               |
| Hedgerow located between E418299, N589316 and E418343, N589500 on Sheet 2 – 3 of the vegetation clearance plans.        | The hedgerow will be removed to facilitate alteration works to existing southbound A1 trunk road and new culvert.                                                             | Work No. 7, 1b                                                   |
| Hedgerow located between E418360, E589562 and E418646, N589770 on Sheet 3 of the vegetation clearance plans.            | The hedgerow will be removed to facilitate alteration works to existing southbound A1 trunk road, new A1 slip road, new private means of access and widening and resurfacing. | Work No. 1b, 8j, 8i and 8h                                       |
| Hedgerow located between E418500, N590175 and E418656, N589790 on Sheet 3 of the vegetation clearance plans (East).     | The hedgerow will be removed to facilitate road widening and surfacing works for A1 slip road.                                                                                | Work No. 8h and 8f                                               |
| Hedgerow located between E418129, N589691 and E418211, N589715 on Sheet 3 of the vegetation clearance plans (West).     | The hedgerow will be removed to facilitate alteration and alignment of the existing High Hylaws Road to create a single carriageway two lane connection to Highways Junction. | Work No. 8b                                                      |
| Hedgerow located between E418499, N590185 and E418512, N590341 on Sheet 3                                               | The hedgerow will be removed to facilitate alteration of southbound A1 and new                                                                                                | Work No. 8g and 1b                                               |

| <i>(1)</i><br><i>Location of hedgerow</i>                                                                                                                                                                                                                                                   | <i>(2)</i><br><i>Work to be carried out</i>                                                                                                                                                                                                                                                                   | <i>(3)</i><br><i>Relevant part of the authorised development</i> |
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| – 4 of the vegetation clearance plans (East).<br>Hedgerow located between E418368, N589732 and E418499, N590911 on Sheet 3 – 4 of the vegetation clearance plans (West).<br>Hedgerow located at E418495, N590921 and E418480, N590923 on Sheet 4 of the vegetation clearance plans. (West). | maintenance track for drainage purposes.<br>The hedgerow will be removed to facilitate construction of slips road, overbridge, access track and north bound carriageway of A1.<br>The hedgerow will be removed to facilitate new access track 1450m in length for maintenance of detention basin.             | Work No. 8e, 8d, 1a and 8c<br><br>Work No. 8c                    |
| Hedgerow located between E418542, N591365 and E418549, N591522 on Sheet 5 of the vegetation clearance plans (East).                                                                                                                                                                         | The hedgerow will be removed to facilitate the de-trunking works to the existing A1 Trunk Road.                                                                                                                                                                                                               | Work No. 10a                                                     |
| Hedgerow located between E418524, N591335 and E418529, N591497 on Sheet 5 of the vegetation clearance plans (West).                                                                                                                                                                         | The hedgerow will be removed to facilitate the de-trunking works to the existing A1 Trunk Road and construction offline southbound carriageway.                                                                                                                                                               | Work No. 2b and 10a                                              |
| Hedgerow located between E418495, N591714 and E418413, N418413 on Sheet 5 – 7 of the vegetation clearance plans (East).                                                                                                                                                                     | The hedgerow will be removed to facilitate a new offline southbound carriageway of the A1 dual carriageway.                                                                                                                                                                                                   | Work No. 2b                                                      |
| Hedgerow located at E418208, N592406 and E418017, N592396 on Sheet 7 of the vegetation clearance plans (West).                                                                                                                                                                              | The hedgerow will be removed to facilitate a new access 195m in length for private access.                                                                                                                                                                                                                    | Work No. 9a                                                      |
| Hedgerow located at E418017, N592414 and E418857, N592842 on Sheet 7 of the vegetation clearance plans (North).                                                                                                                                                                             | The hedgerow will be removed to facilitate de-trunking of A1, the alteration and alignment of the existing road known as Fenrother Lane West, a slip road single lane carriageway for northbound off-access to Fenrother Junction and a 2 No. lane road single carriageway for Fenrother free flow link road. | Work No. 10b 9c, 9b and 9i                                       |
| Hedgerow located at E418027, N592412 and E418806, N592436 on Sheet 7 of the vegetation clearance plans (South).                                                                                                                                                                             | The hedgerow will be removed to facilitate de-trunking of A1, the alteration and alignment of the existing road known as Fenrother Lane West, a slip road single lane carriageway for northbound off-access to Fenrother Junction and a 2 No. lane road single carriageway                                    | Work No. 10b 9c, 9b and 9i                                       |

| (1)<br><i>Location of hedgerow</i>                                                                                          | (2)<br><i>Work to be carried out</i>                                                                                                                                                                                 | (3)<br><i>Relevant part of the authorised development</i> |
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|                                                                                                                             | for Fenrother free flow link road.                                                                                                                                                                                   |                                                           |
| Hedgerow located between E418526, N594005 and E418664, N594169 on Sheet 9 of the vegetation clearance plans (East).         | The hedgerow will be removed to facilitate new offline southbound and northbound carriageway of the A1 dual carriageway.                                                                                             | Work No. 2b and 2a                                        |
| Hedgerow located between E418518, N594008 and E418625, N594139 on Sheet 9 of the vegetation clearance plans (West).         | The hedgerow will be removed to facilitate new offline southbound and northbound carriageway of the A1 dual carriageway.                                                                                             | Work No. 2b and 2a                                        |
| Hedgerow located between E418632, N594148 and E418658, N594175 on Sheet 9 of the vegetation clearance plans (West/East).    | The hedgerow will be removed to facilitate new offline southbound and northbound carriageway of the A1 dual carriageway.                                                                                             | Work No. 2b and 2a                                        |
| Hedgerow located between E418794, N594687 and E418671, N594984 on Sheet 10 of the vegetation clearance plans (West/East).   | The hedgerow will be removed to facilitate new offline southbound and northbound carriageway of the A1 dual carriageway. Also an access track from Causey Park Road to the existing access track to New Houses Farm. | Work No. 2a, 2b and 11a                                   |
| Hedgerow located at E418423, N595154 and E418840, N595263 on Sheet 11 of the vegetation clearance plans (North).            | The hedgerow will be removed to facilitate an access track from Causey Park Road to private land and a new overbridge as an integral single span bridge.                                                             | Work No. 11b and 11c                                      |
| Hedgerow located between E418409, N595134 and E418843, N595255 on Sheet 11 of the vegetation clearance plans (South).       | The hedgerow will be removed to facilitate a new overbridge as an integral single span bridge and an access track from Causey Park Road to the existing access track to New Houses Farm.                             | Work No. 11a and 11c                                      |
| Hedgerow located between E418576, N596042 and E418625, N596077 on Sheet 12 of the vegetation clearance plans (Centre Line). | The hedgerow will be removed to facilitate new offline southbound and northbound carriageway of the A1 dual carriageway.                                                                                             | Work No. 2a and 2b                                        |
| Hedgerow located between E418490, N596032 and E418195, N596699 on Sheet 12 – 13 of the vegetation clearance plans (West).   | The hedgerow will be removed to facilitate a new offline northbound carriageway of the A1 dual carriageway and a new culvert 77m in length.                                                                          | Work No. 2a and 13                                        |
| Hedgerow located between E418180, N418180 and E418076, N596906 Sheet 13                                                     | The hedgerow will be removed to facilitate new offline southbound and northbound                                                                                                                                     | Work No. 2a, 2b and 14                                    |

| (1)<br><i>Location of hedgerow</i>                                                                                             | (2)<br><i>Work to be carried out</i>                                                                                                                                                                                                                                         | (3)<br><i>Relevant part of the authorised development</i> |
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| of the vegetation clearance plans (South).                                                                                     | carriageway of the A1 dual carriageway. Also the creation of an underbridge at Burgham Park as an integral single span bridge.                                                                                                                                               |                                                           |
| Hedgerow located between E417931, N596842 and E417966, N596857 on Sheet 13 of the vegetation clearance plans (South).          | The hedgerow will be removed to facilitate the creation of an underbridge at Burgham Park as an integral single span bridge.                                                                                                                                                 | Work No. 14                                               |
| Hedgerow located between E417922, N596849 and E417972, N596872 on Sheet 13 of the vegetation clearance plans (North).          | The hedgerow will be removed to facilitate the creation of an underbridge at Burgham Park as an integral single span bridge.                                                                                                                                                 | Work No. 14                                               |
| Hedgerow located between E418006, N596894 and E418080, N596918 on Sheet 13 of the vegetation clearance plans (North).          | The hedgerow will be removed to facilitate new offline southbound and northbound carriageway of the A1 dual carriageway. The creation of an underbridge at Burgham Park as an integral single span bridge.                                                                   | Work No. 2a, 2b and 14                                    |
| Hedgerow located between E418100, N596926 and E418168, N596958 on Sheet 13 of the vegetation clearance plans (North).          | The hedgerow will be removed to facilitate new offline southbound and northbound carriageway of the A1 dual carriageway. The creation of an underbridge at Burgham Park as an integral single span bridge.                                                                   | Work No. 2a, 2b and 14                                    |
| Hedgerow located between E418003, N597116 and E417364, N597803 on Sheet 13 – 14 of the vegetation clearance plans (East/West). | The hedgerow will be removed to facilitate new offline southbound and northbound carriageway of the A1 dual carriageway. A new culvert 76m in length. A new access for private access off Bywell Road. Alteration and realignment of the existing road known as Bywell Road. | Work No. 2a, 2b, 15, 16a and 16b                          |
| Hedgerow located between E417819, N597394 and E417649, N597651 on Sheet 13 – 14 of the vegetation clearance plans (East).      | The hedgerow will be removed to facilitate a new offline southbound carriageway of the A1 dual carriageway.                                                                                                                                                                  | Work No. 2b                                               |
| Hedgerow located between E417617, N597721 and E417466, N598668 on Sheet 14 – 15 of the vegetation clearance plans (East).      | The hedgerow will be removed to facilitate a new link road from West Moor Junction roundabout to Bockenfield Bridge.                                                                                                                                                         | Work No. 16l                                              |
| Hedgerow located between E417337, N597803 and                                                                                  | The hedgerow will be removed to facilitate alteration and                                                                                                                                                                                                                    | Work No. 3a and 16b.                                      |

| <i>(1)</i><br><i>Location of hedgerow</i>                                                                                           | <i>(2)</i><br><i>Work to be carried out</i>                                                                                                                                                                                                                                                                                                                                    | <i>(3)</i><br><i>Relevant part of the authorised development</i> |
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| E417424, N598675 on Sheet 14 – 15 of the vegetation clearance plans (West).                                                         | realignment of the existing road known as Bywell Road and alteration of the existing A1 to provide northbound dual carriageway.                                                                                                                                                                                                                                                |                                                                  |
| Hedgerow located between E417709, N598677 and E417550, N598839 on Sheet 15 of the vegetation clearance plans (East, L shape).       | The hedgerow will be removed to facilitate a slip road single lane carriageway for southbound on-access to the A1 from West Moor Junction and construction of a roundabout carriageway.                                                                                                                                                                                        | Work No. 16k and 16j                                             |
| Hedgerow located between E417207, N598716 and E417403, N599704 on Sheet 15 – 16 of the vegetation clearance plans (West).           | The hedgerow will be removed to facilitate the alteration of the existing A1 to provide northbound dual carriageway. Alteration and realignment of West Moor Road to create a single carriageway two-lane connection to West Moor Junction. A single span overbridge crossing the new A1 carriageways. A slip road single lane carriageway for northbound on-access to the A1. | Work No. 16d, 16e, 16f and 3a.                                   |
| Hedgerow located between E417720, N598987 and E417479, N599742 on Sheet 15 – 16 of the vegetation clearance plans (West, U Shaped). | The hedgerow will be removed to facilitate a new southbound carriageway adjacent to the existing A1. A slip road single lane carriageway for southbound off-access to West Moor Junction. A new access 954m in length off Felton Road for maintenance of detention basin. Realignment and resurfacing of the existing road known as Felton Road.                               | Work No. 16i, 16g, 16h, and 3b.                                  |
| Hedgerow located between E417619, N599533 and E417573, N599795 on Sheet 16 of the vegetation clearance plans (East).                | The hedgerow will be removed to facilitate a new access 954m in length off Felton Road for maintenance of detention basin.                                                                                                                                                                                                                                                     | Work No. 16h                                                     |
| Hedgerow located between 417603E, 620698N and 417635E, 620840N on Sheet 26 of the Vegetation Clearance Plan (H9).                   | The hedgerow will be removed to facilitate Construction of local access road linking Charlton Mires Junction and West Linkhall (132.94m in length).                                                                                                                                                                                                                            | Work No. 29h                                                     |
| Hedgerow located between 417388E, 621293N and 417386E, 621317N on Sheet 27 of the vegetation clearance                              | The hedgerow will be removed to facilitate Construction of local access road linking Charlton Mires Junction and                                                                                                                                                                                                                                                               | Work No. 29h                                                     |

| <i>(1)<br/>Location of hedgerow</i>                                                                                | <i>(2)<br/>Work to be carried out</i>                                                                                                                                                                                                                                           | <i>(3)<br/>Relevant part of the authorised development</i> |
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| plan (H10).                                                                                                        | West Linkhall (24.41m in length).                                                                                                                                                                                                                                               |                                                            |
| Hedgerow located between 417637E, 620836N and 417648E, 620810N on Sheet 26 of the vegetation clearance plan (H11). | The hedgerow will be removed to facilitate Construction of local access road linking Charlton Mires Junction and West Linkhall (28.45m in length).                                                                                                                              | Work No. 29h                                               |
| Hedgerow located between 417656E, 620777N and 417668E, 620735N on Sheet 26 of the vegetation clearance plan (H13). | The hedgerow will be removed to facilitate Construction of new northbound carriageway of the A1 dual carriageway from Rock Lodge to Westlink Hall (44.06m in length).                                                                                                           | Work No. 22a                                               |
| Hedgerow located between 417669E, 620731N and 417689E, 620649N on Sheet 26 of the vegetation clearance plan (H14). | The hedgerow will be removed to facilitate Construction of new northbound carriageway of the A1 dual carriageway from Rock Lodge to Westlink Hall and northbound slip road from realigned A1 as part of the wider junction works at Charlton Mires Junction (84.20m in length). | Work No. 29d, 22a                                          |
| Hedgerow located between 417696E, 620642N and 417715E, 620560N on Sheet 26 of the vegetation clearance plan (H15). | The hedgerow will be removed to facilitate northbound slip road from realigned A1 as part of the wider junction works at Charlton Mires Junction (84.10m in length).                                                                                                            | Work No. 29d                                               |
| Hedgerow located between 417722E, 620543N and 417745E, 620453N on Sheet 26 of the vegetation clearance plan (H16). | The hedgerow will be removed to facilitate northbound slip road from realigned A1 as part of the wider junction works at Charlton Mires Junction (102.84m in length).                                                                                                           | Work No. 29d                                               |
| Hedgerow located between 417053E, 621933N and 417043E, 621970N on Sheet 27 of the vegetation clearance plan (H17). | The hedgerow will be removed to facilitate alteration of existing A1 to provide northbound dual carriageway from Westlink Hall to North Charlton (38.89m in length).                                                                                                            | Work No. 23a                                               |
| Hedgerow located between 417051E, 621934N and 417206E, 621658N on Sheet 27 of the vegetation clearance plan (H18). | The hedgerow will be removed to facilitate alteration of existing A1 to provide northbound dual carriageway from Westlink Hall to North Charlton (317.11m in length).                                                                                                           | Work No. 23a                                               |
| Hedgerow located between 417165E, 621653N and 417205E, 621659N on Sheet 27 of the vegetation clearance plan (H19). | The hedgerow will be removed to facilitate alteration of existing A1 to provide northbound dual carriageway from Westlink Hall to North                                                                                                                                         | Work No. 23a                                               |

| <i>(1)<br/>Location of hedgerow</i>                                                                                | <i>(2)<br/>Work to be carried out</i>                                                                                                                                                                                                                                            | <i>(3)<br/>Relevant part of the authorised development</i> |
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| Hedgerow located between 417223E, 621632N and 417335E, 621441N on Sheet 27 of the vegetation clearance plan (H20). | Charlton (40.87m in length).<br>The hedgerow will be removed to facilitate alteration of existing A1 to provide northbound dual carriageway from Westlink Hall to North Charlton (221.55m in length).                                                                            | Work No. 23a                                               |
| Hedgerow located between 417342E, 621435N and 417389E, 621345N on Sheet 27 of the vegetation clearance plan (H21). | The hedgerow will be removed to facilitate construction of new northbound carriageway of the A1 dual carriageway from Rock Lodge to Westlink Hall (101.87m in length).                                                                                                           | Work No. 22a                                               |
| Hedgerow located between 417278E, 621419N and 417330E, 621436N on Sheet 27 of the vegetation clearance plan (H22). | The hedgerow will be removed to facilitate alteration of existing A1 to provide northbound dual carriageway from Westlink Hall to North Charlton. This will also include construction of local access road linking Charlton Mires Junction and West Linkhall (55.27m in length). | Work No. 23a, 29h                                          |
| Hedgerow located between 418384E, 621402N and 417474E, 621262N on Sheet 27 of the vegetation clearance plan (H23). | The hedgerow will be removed to facilitate construction of new southbound carriageway of the A1 dual carriageway from Rock Lodge to Westlink Hall and the construction of a southbound slip road as part of Charlton Mires Junction                                              | Work No. 22b, 29l                                          |
| Hedgerow located between 417477E, 621257N and 417601E, 621048N on Sheet 26 of the vegetation clearance plan (H24). | The hedgerow will be removed to facilitate construction of new southbound carriageway of the A1 dual carriageway from Rock Lodge to Westlink Hall and the construction of a southbound slip road as part of Charlton Mires Junction (243.47m in length).                         | Work No. 22b, 29l                                          |
| Hedgerow located between 417623E, 621029N and 417764E, 621058N on Sheet 26 of the vegetation clearance plan (H25). | The hedgerow will be removed to facilitate construction of a southbound slip road as part of Charlton Mires Junction and Realignment of the 66kV electrical cable to service the Middlemoor Wind Farm (143.98m in length).                                                       | Work No. 29l, 24                                           |
| Hedgerow located between 417582E, 621019N and 417604E, 620969N on Sheet 26 of the vegetation clearance             | The hedgerow will be removed to facilitate construction of local access road linking Charlton Mires Junction and                                                                                                                                                                 | Work No. 29h                                               |

| <i>(1)<br/>Location of hedgerow</i>                                                                                | <i>(2)<br/>Work to be carried out</i>                                                                                                                                                                                                      | <i>(3)<br/>Relevant part of the authorised development</i> |
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| plan (H26).                                                                                                        | West Linkhall (54.91m in length).                                                                                                                                                                                                          |                                                            |
| Hedgerow located between 417812E, 619997N and 417813E, 619742N on Sheet 26 of the vegetation clearance plan (H28). | The hedgerow will be removed to facilitate construction of local access road linking Charlton Mires Junction and West Linkhall (293.03m in length).                                                                                        | Work No. 29h                                               |
| Hedgerow located between 417800E, 620012N and 417798E, 619740N on Sheet 26 of the vegetation clearance plan (H29). | The hedgerow will be removed to facilitate construction of local access road linking Charlton Mires Junction and West Linkhall (255.86m in length).                                                                                        | Work No. 29h                                               |
| Hedgerow located between 417811E, 620051N and 417811E, 620120N on Sheet 26 of the vegetation clearance plan (H30). | The hedgerow will be removed to facilitate realignment and resurfacing of B6341 (69.75m in length).                                                                                                                                        | Work No. 29a                                               |
| Hedgerow located between 417810E, 620120N and 417895E, 620032N on Sheet 26 of the vegetation clearance plan (H31). | The hedgerow will be removed to facilitate alteration of existing A1 to provide northbound dual carriageway from Denwick Burn to Rock Lodge (163.23m in length)                                                                            | Work No. 21a                                               |
| Hedgerow located between 417689E, 620174N and 417781E, 620204N on Sheet 26 of the vegetation clearance plan (H32). | The hedgerow will be removed to facilitate realignment and resurfacing of Rock Nab (96.76m in length).                                                                                                                                     | Work No. 29b                                               |
| Hedgerow located between 417749E, 620355N and 417616E, 620508N on Sheet 26 of the vegetation clearance plan (H33). | The hedgerow will be removed to facilitate realignment and resurfacing of B6341 and B6347 and construction of a northbound slip road from realigned A1 as part of the wider junction works at Charlton Mires Junction (220.73m in length). | Work No. 29a, 29d, 29c                                     |
| Hedgerow located between 417706E, 620552N and 417451E, 620448N on Sheet 26 of the vegetation clearance plan (H35). | The hedgerow will be removed to facilitate realignment and resurfacing of B6347, Construction of a northbound slip road from realigned A1 as part of the wider junction works at Charlton Mires Junction (276.14m in length).              | Work No. 29c, 229d, 29f                                    |
| Hedgerow located between 417445E, 620438N and 417782E, 620206N on Sheet 26 of the vegetation clearance plan (H36). | The hedgerow will be removed to facilitate realignment and resurfacing of B6341 and B6347 (514.10m in length).                                                                                                                             | Work No. 29a, 29c                                          |



| <i>(1)</i><br><i>Location of hedgerow</i>                                                                          | <i>(2)</i><br><i>Work to be carried out</i>                                                                                                                                                            | <i>(3)</i><br><i>Relevant part of the authorised development</i> |
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| Hedgerow located between 417780E, 620250N and 417790E, 620217N on Sheet 26 of the vegetation clearance plan (H37). | The hedgerow will be removed to facilitate realignment and resurfacing of B6341 (34.44m in length).                                                                                                    | Work No. 29a                                                     |
| Hedgerow located between 417795E, 620195N and 417799E, 620163N on Sheet 26 of the vegetation clearance plan (H38). | The hedgerow will be removed to facilitate realignment and resurfacing of B6341 (32.25m in length).                                                                                                    | Work No. 29a                                                     |
| Hedgerow located between 418742E, 620451N and 418863E, 620135N on Sheet 26 of the vegetation clearance plan (H39). | The hedgerow will be removed to facilitate construction of new access and local access road linking Rock Midstead and Rock South Farm (338.13m in length).                                             | Work No. 30b                                                     |
| Hedgerow located between 418871E, 620135N and 418905E, 620030N on Sheet 26 of the vegetation clearance plan (H40). | The hedgerow will be removed to facilitate construction of new access and local access road linking Rock Midstead and Rock South Farm (110.41m in length).                                             | Work No. 30b                                                     |
| Hedgerow located between 418865E, 620134N and 418936E, 619903N on Sheet 25 of the vegetation clearance plan (H41). | The hedgerow will be removed to facilitate construction of new access and local access road linking Rock Midstead and Rock South Farm (242.19m in length).                                             | Work No. 30b                                                     |
| Hedgerow located between 417738E, 620590N and 418428E, 620578N on Sheet 26 of the vegetation clearance plan (H42). | The hedgerow will be removed to facilitate realignment and resurfacing of B6347 and construction of a southbound slip road as part of Charlton Mires Junction (740.30m in length).                     | Work No. 39k, 39l                                                |
| Hedgerow located between 417770E, 620628N and 418184E, 620700N on Sheet 26 of the vegetation clearance plan (H43). | The hedgerow will be removed to facilitate construction of a southbound slip road as part of Charlton Mires Junction and Realignment and resurfacing of Rock Midstead access road (427.99m in length). | Work No. 39l, 40a.                                               |
| Hedgerow located between 418235E, 620683N and 418535E, 620718N on Sheet 26 of the vegetation clearance plan (H44). | The hedgerow will be removed to facilitate construction of a southbound slip road as part of Charlton Mires Junction and Realignment and resurfacing of Rock Midstead access road (402.45m in length). | Work No. 39l, 40a.                                               |
| Hedgerow located between 418471E, 618643N and 418958E, 618863N on Sheet 26 of the vegetation clearance plan (H45). | The hedgerow will be removed to facilitate realignment of the 66kV electrical cable to service the Middlemoor Wind                                                                                     | Work No. 24, 30b.                                                |

| <i>(1)</i><br><i>Location of hedgerow</i>                                                                          | <i>(2)</i><br><i>Work to be carried out</i>                                                                                                                                                                                                           | <i>(3)</i><br><i>Relevant part of the authorised development</i> |
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| plan (H45).                                                                                                        | Farm construction of new access and local access road linking Rock Midstead and Rock South Farm (540.11m in length).                                                                                                                                  |                                                                  |
| Hedgerow located between 418938E, 619898N and 418931E, 619756N on Sheet 25 of the vegetation clearance plan (H46). | The hedgerow will be removed to facilitate construction of new access and local access road linking Rock Midstead and Rock South Farm (167.80m in length).                                                                                            | Work No. 30b                                                     |
| Hedgerow located between 418975E, 619783N and 419008E, 619801N on Sheet 25 of the vegetation clearance plan (H47). | The hedgerow will be removed to facilitate construction of new access and local access road linking Rock Midstead and Rock South Farm (38.65m in length).                                                                                             | Work No. 30b                                                     |
| Hedgerow located between 419038E, 619572N and 419071E, 619591N on Sheet 25 of the vegetation clearance plan (H48). | The hedgerow will be removed to facilitate construction of new access and local access road linking Rock Midstead and Rock South Farm (38.56m in length).                                                                                             | Work No. 30b                                                     |
| Hedgerow located between 419027E, 619572N and 419182E, 619036N on Sheet 25 of the vegetation clearance plan (H49). | The hedgerow will be removed to facilitate construction of new access and local access road linking Rock Midstead and Rock South Farm (558.12m in length).                                                                                            | Work No. 30b                                                     |
| Hedgerow located between 417965E, 619697N and 418012E, 619718N on Sheet 25 of the vegetation clearance plan (H50). | The hedgerow will be removed to facilitate alteration of existing A1 to provide northbound dual carriageway from Denwick Burn to Rock Lodge (51.72m in length).                                                                                       | Work No. 21a, 33                                                 |
| Hedgerow located between 418036E, 619730N and 418096E, 619757N on Sheet 25 of the vegetation clearance plan (H51). | The hedgerow will be removed to facilitate construction of new southbound carriageway of the A1 dual carriageway from Denwick Burn to Rock Lodge and Realignment of the 66kV electrical cable to service the Middlemoor Wind Farm (65.64m in length). | Work No. 21b, 24                                                 |
| Hedgerow located between 418408E, 618601N and 418432E, 618500N on Sheet 24 of the vegetation clearance plan (S53). | The hedgerow will be removed to facilitate alteration of existing A1 to provide northbound dual carriageway from Denwick Burn to Rock Lodge and construction of new access track to detention basin (106.03m in length).                              | Work No. 21a, 28                                                 |
| Hedgerow located between                                                                                           | The hedgerow will be removed                                                                                                                                                                                                                          | Work No. 28                                                      |

| <i>(1)<br/>Location of hedgerow</i>                                                                                | <i>(2)<br/>Work to be carried out</i>                                                                                                                                                                                    | <i>(3)<br/>Relevant part of the authorised development</i> |
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| 418403E, 618606N and 418322E, 618724N on Sheet 24 of the vegetation clearance plan (S54).                          | to facilitate construction of new access track to detention basin (144.76m in length).                                                                                                                                   |                                                            |
| Hedgerow located between 418316E, 618741N and 418380E, 618792N on Sheet 25 of the vegetation clearance plan (S55). | The hedgerow will be removed to facilitate alteration of existing A1 to provide northbound dual carriageway from Denwick Burn to Rock Lodge and construction of new access track to detention basin (81.94m in length).  | Work No. 21a, 28                                           |
| Hedgerow located between 418406E, 618602N and 418146E, 618291N on Sheet 24 of the vegetation clearance plan (H56). | The hedgerow will be removed to facilitate alteration of existing A1 to provide northbound dual carriageway from Denwick Burn to Rock Lodge and construction of new access track to detention basin (407.87m in length). | Work No. 21a, 28                                           |
| Hedgerow located between 418575E, 617377N and 418402E, 617329N on Sheet 23 of the vegetation clearance plan (H59). | The hedgerow will be removed to facilitate construction of Heckley Fence Overbridge and associated ramps over the widened A1 (179.29m in length).                                                                        | Work No. 27                                                |
| Hedgerow located between 418727E, 617064N and 418985E, 617161N on Sheet 23 of the vegetation clearance plan (H60). | The hedgerow will be removed to facilitate alteration of existing A1 to provide northbound dual carriageway from Denwick Burn to Rock Lodge (276.09m in length).                                                         | Work No. 21a                                               |
| Hedgerow located between 419073E, 616127N and 419364E, 616145N on Sheet 23 of the vegetation clearance plan (H62). | The hedgerow will be removed to facilitate alteration of existing A1 to provide northbound dual carriageway from Denwick Burn to Rock Lodge and construction of new access track (291.68m in length).                    | Work No. 21a, 26                                           |
| Hedgerow located between 419193E, 614871N and 419251E, 615037N on Sheet 22 of the vegetation clearance plan (H65). | The hedgerow will be removed to facilitate alteration of existing A1 to provide northbound dual carriageway from Denwick Burn to Rock Lodge (182.64m in length).                                                         | Work No. 21a                                               |
| Hedgerow located between 419613E, 615496N and 419825E, 614931N on Sheet 22 of the vegetation clearance plan (H73). | The hedgerow will be removed to facilitate alteration of existing A1 to provide northbound dual carriageway from Denwick Burn to Rock Lodge (604.36m in length).                                                         | Work No. 21a                                               |
| Hedgerow located between                                                                                           | The hedgerow will be removed                                                                                                                                                                                             | Work No. 21a, 26                                           |

| <i>(1)<br/>Location of hedgerow</i>                                                                                | <i>(2)<br/>Work to be carried out</i>                                                                                                                                                                                                                   | <i>(3)<br/>Relevant part of the authorised development</i> |
|--------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|
| 419175E, 616653N and 419041E, 617013N on Sheet 23 of the vegetation clearance plan (H75).                          | to facilitate alteration of existing A1 to provide northbound dual carriageway from Denwick Burn to Rock Lodge and construction of new access track to detention basin (384.45m in length).                                                             |                                                            |
| Hedgerow located between 419182E, 616631N and 419392E, 616081N on Sheet 23 of the vegetation clearance plan (H76). | The hedgerow will be removed to facilitate alteration of existing A1 to provide northbound dual carriageway from Denwick Burn to Rock Lodge and construction of new access track to detention basin (588.55m in length).                                | Work No. 21a, 26                                           |
| Hedgerow located between 416964E, 622303N and 416513E, 622513N on Sheet 27 of the vegetation clearance plan (H77). | The hedgerow will be removed to facilitate alteration of existing A1 to provide northbound dual carriageway from Westlink Hall to North Charlton (633.95m in length).                                                                                   | Work No. 23a                                               |
| Hedgerow located between 419042E, 617015N and 416513E, 622513N on Sheet 23 of the vegetation clearance plan (H79). | The hedgerow will be removed to facilitate alteration of existing A1 to provide northbound dual carriageway from Denwick Burn to Rock Lodge (633.95m in length).                                                                                        | Work No. 21a                                               |
| Hedgerow located between 419113E, 616836N and 419020E, 617092N on Sheet 23 of the vegetation clearance plan (H80). | The hedgerow will be removed to facilitate alteration of existing A1 to provide northbound dual carriageway from Denwick Burn to Rock Lodge (272.82m in length).                                                                                        | Work No. 21a                                               |
| Hedgerow located between 418890E, 617409N and 418437E, 618622N on Sheet 23 of the vegetation clearance plan (H82). | The hedgerow will be removed to facilitate alteration of existing A1 to provide northbound dual carriageway from Denwick Burn to Rock Lodge and Construction of Heckley Fence Overbridge and associated ramps over the widened A1 (1296.02m in length). | Work No. 21a, 27                                           |
| Hedgerow located between 417169E, 621883N and 417197E, 621750N on Sheet 27 of the vegetation clearance plan (H83). | The hedgerow will be removed to facilitate realignment of the 66kV electrical cable to service the Middlemoor Wind Farm and construction of a southbound slip road as part of Charlton Mires Junction (136.40m in length).                              | Work No. 24, 291                                           |
| Hedgerow located between 417170E, 621790N and                                                                      | The hedgerow will be removed to facilitate realignment of the                                                                                                                                                                                           | Work No. 24, 291                                           |

| <i>(1)</i><br><i>Location of hedgerow</i>                                                                          | <i>(2)</i><br><i>Work to be carried out</i>                                                                                                                                                                                                            | <i>(3)</i><br><i>Relevant part of the authorised development</i> |
|--------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|
| 417149E, 621882N on Sheet 27 of the vegetation clearance plan (H84)                                                | 66kV electrical cable to service the Middlemoor Wind Farm and construction of a southbound slip road as part of Charlton Mires Junction (94.94m in length).                                                                                            |                                                                  |
| Hedgerow located between 417699E, 620696N and 417610E, 621020N on Sheet 26 of the vegetation clearance plan (H85). | The hedgerow will be removed to facilitate construction of new northbound carriageway of the A1 dual carriageway from Rock Lodge to Westlink Hall and Realignment and resurfacing of B6347 (337.05m in length).                                        | Work No. 22a, 29c                                                |
| Hedgerow located between 417803E, 620388N and 417836E, 620616N on Sheet 26 of the vegetation clearance plan (H88). | The hedgerow will be removed to facilitate realignment of the 66kV electrical cable to service the Middlemoor Wind Farm (291.99m in length).                                                                                                           | Work No. 24                                                      |
| Hedgerow located between 417737E, 620588N and 417793E, 620382N on Sheet 26 of the vegetation clearance plan (H89). | The hedgerow will be removed to facilitate construction of new southbound carriageway of the A1 dual carriageway from Rock Lodge to Westlink Hall and construction of a southbound slip road as part of Charlton Mires Junction (217.81m in length).   | Work No. 29l, 22b                                                |
| Hedgerow located between 418770E, 617818N and 419065E, 617020N on Sheet 24 of the vegetation clearance plan (H91). | The hedgerow will be removed to facilitate construction of new southbound carriageway of the A1 dual carriageway from Denwick Burn to Rock Lodge and realignment of the 66kV electrical cable to service the Middlemoor Wind Farm (850.88m in length). | Work No. 21b, 24                                                 |
| Hedgerow located between 419212E, 616627N and 419346E, 616280N on Sheet 23 of the vegetation clearance plan (H92). | The hedgerow will be removed to facilitate construction of new southbound carriageway of the A1 dual carriageway from Denwick Burn to Rock Lodge and realignment of the 66kV electrical cable to service the Middlemoor Wind Farm (372.46m in length). | Work No. 21b, 24                                                 |
| Hedgerow located between 419360E, 616240N and 419547E, 615744N on Sheet 22 of the vegetation clearance plan (H93). | The hedgerow will be removed to facilitate construction of new southbound carriageway of the A1 dual carriageway from Denwick Burn to Rock Lodge and realignment of the 66kV electrical cable to                                                       | Work No. 21b, 24, 25a                                            |

| <i>(1)</i><br><i>Location of hedgerow</i>                                                                          | <i>(2)</i><br><i>Work to be carried out</i>                                                                                                                                                                                                                                                                                                                                                                   | <i>(3)</i><br><i>Relevant part of the authorised development</i> |
|--------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|
| Hedgerow located between 419547E, 615741N and 419864E, 614931N on Sheet 22 of the vegetation clearance plan (H95). | service the Middlemoor Wind Farm. This also includes construction of new access point and maintenance track to detention basin (529.86m in length).<br>The hedgerow will be removed to facilitate construction of new southbound carriageway of the A1 dual carriageway from Denwick Burn to Rock Lodge and realignment of the 66kV electrical cable to service the Middlemoor Wind Farm (870.49m in length). | Work No. 21b, 24                                                 |

## PART 2

### TREES SUBJECT TO TREE PRESERVATION ORDER

| <i>(1)</i><br><i>Type of tree</i>                                                                                                    | <i>(2)</i><br><i>Work to be carried out</i>                                                                      | <i>(3)</i><br><i>Relevant part of the authorised development</i> |
|--------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|
| TPO 882585, EIA group reference number Wooded area (W23) including lime, hazel, ash, birch and oak, located south of Floodgate Burn. | This woodland is subject to a TPO and will be removed to accommodate the new road alignment.                     | Work No. 2a, 2b and 8c                                           |
| TPO 882585, EIA tree reference number T203 (Single lime tree) located north of Floodgate Burn.                                       | Removal of lime tree, located in alignment of the proposed A1 carriageway to allow for adjacent enabling works.  | Work No. 2a and 2b                                               |
| TPO 882585, EIA tree reference number T200 (Single beech tree) located south of Floodgate Burn.                                      | Removal of beech tree, located in alignment of the proposed A1 carriageway to allow for adjacent enabling works. | Work No. 2a and 2b                                               |
| TPO 882585, EIA tree reference number T199 (Single lime tree) located south of Floodgate Burn                                        | Removal of lime tree, located in alignment of the proposed A1 carriageway to allow for adjacent enabling works.  | Work No. 2a and 2b                                               |
| TPO 882585, EIA tree reference number T196 (Single beech tree) located south of Floodgate Burn.                                      | Removal of lime tree, located in alignment of the proposed A1 carriageway to allow for adjacent enabling works.  | Work No. 2a and 2b                                               |
| TPO 882585, EIA tree                                                                                                                 | Removal of lime tree, located                                                                                    | Work No. 2a and 2b                                               |

|                                                                                                                                                                                    |                                                                                                                                                                                                            |                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| reference number T195<br>(Single lime tree) located<br>south of Floodgate Burn.<br>TPO 882585, EIA tree<br>reference number T192<br>(Single lime tree) east of Low<br>Espley Wood. | in alignment of the proposed<br>A1 carriageway to allow for<br>adjacent enabling works.<br>Removal of lime tree, located<br>in alignment of the proposed<br>A1 carriageway to allow for<br>trunking works. | Work No. 2a and 2b |
| TPO 882585, EIA tree<br>reference number T190<br>(Single lime tree)<br>east of Low Espley Wood.                                                                                    | Removal of lime tree, located<br>in alignment of the proposed<br>A1 carriageway to allow for<br>trunking works.                                                                                            | Work No. 2a and 2b |
| TPO 882585, EIA tree<br>reference number T187<br>(Single lime tree)<br>east of Low Espley Wood.                                                                                    | Removal of lime tree, located<br>in alignment of the proposed<br>A1 carriageway to allow for<br>trunking works.                                                                                            | Work No. 2a and 2b |
| TPO 882585, EIA tree<br>reference number T186<br>(Single beech tree) east of<br>Low Espley Wood.                                                                                   | Removal of beech tree, located<br>in alignment of the proposed<br>A1 carriageway to allow for<br>trunking works.                                                                                           | Work No. 2a and 2b |
| TPO 882585, EIA tree<br>reference number T185<br>(Single lime tree)<br>east of Low Espley Wood.                                                                                    | Removal of lime tree, located<br>in alignment of the proposed<br>A1 carriageway to allow for<br>trunking works.                                                                                            | Work No. 2a and 2b |
| TPO 882585, EIA tree<br>reference number T182<br>(Single lime tree)<br>east of Low Espley Wood.                                                                                    | Removal of lime tree, located<br>in alignment of the proposed<br>A1 carriageway to allow for<br>trunking works.                                                                                            | Work No. 2a and 2b |

## SCHEDULE 10

Articles 37 and 45

### PROTECTIVE PROVISIONS

#### PART 1

#### FOR THE PROTECTION OF ELECTRICITY, GAS, WATER AND SEWAGE UNDERTAKERS

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

2. In this Part of this Schedule—

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

“apparatus” means—

- (a) in the case of an electricity undertaker, electric lines or electrical plant (as defined in the Electricity Act 1989(jjj)), belonging to or maintained by that undertaker;
- (b) in the case of a gas undertaker, any mains, pipes or other apparatus belonging to or maintained by a gas transporter within the meaning of Part 1 of the Gas Act 1986(kkk) for the purposes of gas supply;
- (c) in the case of a water undertaker, mains, pipes or other apparatus belonging to or maintained by that undertaker for the purposes of water supply; and
- (d) in the case of a sewerage undertaker—
  - (i) any drain or works vested in the undertaker under the Water Industry Act 1991(III); 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;

“functions” includes powers and duties;

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

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

“utility undertaker” means—

- (e) any licence holder within the meaning of Part 1 of the Electricity Act 1989;
- (f) a gas transporter within the meaning of Part 1 of the Gas Act 1986;
- (g) a water undertaker within the meaning of the Water Industry Act 1991; and

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(jjj) 1989 c. 29.

(kkk) 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).

(III) 1991 c. 56.



- (h) a sewerage undertaker within the meaning of Part 1 of the Water Industry Act 1991, for the area of the authorised development, and in relation to any apparatus, means the undertaker to whom it belongs or by whom it is maintained.

*On street apparatus*

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

*Apparatus in stopped up streets*

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

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

*Protective works to buildings*

5. The undertaker, in the case of the powers conferred by article 24 (protective work to buildings), must exercise those powers so as not to obstruct or render less convenient the access to any apparatus.

*Acquisition of land*

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

*Removal of apparatus*

7.—(1) If, in the exercise of the powers conferred by this Order, the undertaker acquires any interest in any land in which any apparatus is placed or requires that the utility undertaker's apparatus is relocated or diverted, that apparatus must not be removed under this Part of this Schedule, and any right of a utility undertaker to maintain that apparatus in that land must not be extinguished, until alternative apparatus has been constructed and is in operation to the reasonable satisfaction of the utility undertaker in question in accordance with sub-paragraphs (2) to (6).

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

(3) If alternative apparatus or any part of such apparatus is to be constructed elsewhere than in other land of the undertaker, or the undertaker is unable to afford such facilities and rights as are mentioned in sub-paragraph (2) in the land in which the alternative apparatus or part of such apparatus is to be constructed the utility undertaker must, on receipt of a written notice to that

effect from the undertaker, as soon as reasonably possible use its best endeavours to obtain the necessary facilities and rights in the land in which the alternative apparatus is to be constructed.

(4) Any alternative apparatus to be constructed in land of the undertaker under this Part of this Schedule must be constructed in such manner and in such line or situation as may be agreed between the utility undertaker in question and the undertaker or in default of agreement settled by arbitration in accordance with article 48 (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 48, and after the grant to the utility undertaker of any such facilities and rights as are referred to in sub-paragraphs (2) or (3), proceed without unnecessary delay to construct and bring into operation the alternative apparatus and subsequently to remove any apparatus required by the undertaker to be removed under the provisions of this Part of this Schedule.

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

#### *Facilities and rights for alternative apparatus*

8. —(1) Where, in accordance with the provisions of this Part of this Schedule, the undertaker affords to a utility undertaker facilities and rights for the construction and maintenance in land of the undertaker of alternative apparatus in substitution for apparatus to be removed, those facilities and rights are to be granted upon such terms and conditions as may be agreed between the undertaker and the utility undertaker in question or in default of agreement settled by arbitration in accordance with article 48 (arbitration).

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

#### *Retained apparatus*

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

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

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

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

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

(6) The undertaker is not required to comply with sub-paragraph (1) in a case of emergency but in that case must give to the utility undertaker in question notice as soon as is reasonably practicable and a plan of those works as soon as reasonably practicable subsequently and must comply with sub-paragraph (3) in so far as is reasonably practicable in the circumstances.

#### *Expenses and costs*

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

(2) There must be deducted from any sum payable under subparagraph (1) the value of any apparatus removed under the provisions of this Part of this Schedule that value being calculated after removal.

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

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

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker or, in default of agreement, is not determined by arbitration in accordance with article 48 (arbitration) to be necessary, then, if such placing involves cost in the construction of works under this Part of this Schedule exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to the utility undertaker in question by virtue of sub-paragraph (1) must be reduced by the amount of that excess.

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

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

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

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

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

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

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

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

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

### *Cooperation*

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

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

## PART 2

### FOR THE PROTECTION OF OPERATORS OF ELECTRONIC COMMUNICATIONS CODE NETWORKS

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

**15.** In this Part of this Schedule—

“the 2003 Act” means the Communications Act 2003(**mmm**);

- (a) Paragraph 1(3A) was inserted by section 106(2) of, and paragraphs 1 and 4 of Schedule 3 to, the Communications Act 2003 (2003 c. 21).

“conduit system” has the same meaning as in the electronic communications code and references to providing a conduit system are to be construed in accordance with paragraph 1(3A)(**nnn**) of that code;

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

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(**mmm**) 2003 c. 21.

(**nnn**) Paragraph 1(3A) was inserted by section 106(2) of, and paragraphs 1 and 4 of Schedule 3 to, the Communications Act 2003 (2003 c. 21).

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

“electronic communications code network” means—

- (b) 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
- (c) an electronic communications network which the undertaker is providing or proposing to provide;

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

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

**16.** The exercise of the powers conferred by article 37 (statutory undertakers) is subject to paragraph 23 of Schedule 2 (undertaker’s works) to the Telecommunication Act 1984**(ppp)**.

**17.—(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 who, if withholding such consent, has the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand.

(4) Any difference arising between the undertaker and the operator under this Part of this Schedule must be referred to and settled by arbitration under article 48 (arbitration).

(5) This Part of this Schedule does not apply to—

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

(6) 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.

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**(ooo)** See section 106.

**(ppp)** 1984 c. 12.

## PART 3

### FOR THE PROTECTION OF THE ENVIRONMENT AGENCY

**18.—**(1) The following provisions apply for the protection of the Agency unless otherwise agreed in writing between the undertaker and the Agency.

(2) In this Part of the Schedule—

“the Agency” means the Environment Agency;

“emergency” means a situation which—

- (a) is unexpected, in that there is little or no warning, or aspects of the event could not have reasonably been predicted in advance;
- (b) is a serious event presenting a risk of harm or damage to people, property or the environment; and
- (c) requires a need for urgent action, in that immediate action is required to address the risk of harm, repair or prevent a worsening of the situation;

“relevant watercourse” has the same meaning as in article (powers in relation to relevant watercourses).

**19.—**(1) Where in the exercise of the powers conferred by this Order, the undertaker proposes to interfere with or obstruct access by the Agency to a relevant watercourse, it must give the Agency 56 days’ written notice of that requirement.

(2) Except in cases of emergency where the undertaker interferes with or obstructs access by the Agency to a relevant watercourse and it is not possible for the undertaker to give the Agency the notice required under sub-paragraph (1), a suitable alternative access must be provided prior to and for the duration of any such interference.

**20.** If, in the exercise of the powers conferred by this Order, the undertaker acquires any interest of the Agency in any land or proposes to interfere with, or remove, any of the Agency’s apparatus it must give the Agency 56 days’ written notice before any such interest is acquired or any apparatus is interfered with or removed.

**21.** The undertaker must indemnify the

**22.** Agency in respect of all costs, charges and expenses which it may reasonably incur or which it may sustain in the examination of approval of plans or other matters under this Part of this Schedule.

**23.22.** Any dispute arising between the undertaker and the Agency under this Part of this Schedule is to be determined in accordance with Article 48 (arbitration) of this Order.

## PART 4

### FOR THE PROTECTION OF NATIONAL GRID AS GAS UNDERTAKER

#### Application

**24.—**(1) For the protection of National Grid as referred to in this Part of this Schedule the following provisions have effect, unless otherwise agreed in writing between the undertaker and National Grid.

(2) Subject to sub-paragraph (3) or to the extent otherwise agreed in writing between the undertaker and National Grid, where the benefit of this Order is transferred or granted to another person under article 9 (consent to transfer benefit of Order)—

- (a) any agreement of the type mentioned in sub-paragraph (1) has effect as if it had been made between National Grid and the transferee or grantee (as the case may be); and

(b) written notice of the transfer or grant must be given to National Grid on or before the date of that transfer or grant.

(3) Sub-paragraph (2) does not apply where the benefit of the Order is transferred or granted to National Grid (but see paragraph 33(3)(b)).

#### Interpretation

##### 25. In this Part of this Schedule—

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

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

“authorised works” has the same meaning as is given to the term “authorised development” in article 2(1) of this Order and includes any associated development authorised by the Order and for the purposes of this Part of this Schedule includes the use and maintenance of the authorised works and construction of any works authorised by this Schedule “commence” and “commencement” in paragraph 9 of this Part of this Schedule includes any below ground surveys, monitoring, ground work operations or the receipt and erection of construction plant and equipment;

“authorised works” has the same meaning as is given to the term “authorised development” in article 2(1) of this Order and includes any associated development authorised by the Order and for the purposes of this Part of this Schedule includes the use and maintenance of the authorised works and construction of any works authorised by this Schedule;

“commence” and “commencement” in paragraph 31 of this Part of this Schedule includes any below ground surveys, monitoring, ground work operations or the receipt and erection of construction plant and equipment;

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

“functions” includes powers and duties;

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

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

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

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

“maintain” and “maintenance” in relation to an activity undertaken by National Grid shall include the ability and right to do any of the following in relation to any apparatus or

alternative apparatus of National Grid including construct, use, repair, alter, inspect, renew or remove the apparatus;

“National Grid” means National Grid Gas Plc or any successor as a gas transporter within the meaning of Part 1 of the Gas Act 1986 as the context requires;

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

“specified works” means any of the authorised works or activities undertaken in association with the authorised works which—

- (a) will or may be situated over, or within 15 metres measured in any direction of any apparatus the removal of which has not been required by the undertaker under paragraph 7(2) or otherwise; or
- (b) may in any way adversely affect any apparatus the removal of which has not been required by the undertaker under paragraph 7(2) or otherwise.

Except for paragraphs 26 (apparatus in stopped up streets) and 31 (retained apparatus: protection), 32 (expenses) and 33 (indemnity) of this Schedule which will apply in respect of the exercise of all or any powers under the Order affecting the rights and apparatus of National Grid, the other provisions of this Schedule do not apply to apparatus in respect of which the relations between the undertaker and National Grid are regulated by the provisions of Part 3 of the 1991 Act.

#### *Apparatus of National Grid in stopped up streets*

26.—(1) Where any street is stopped up under article 16 (permanent stopping up, restriction of use and construction of streets, public rights of way and private means of access), if National Grid has any apparatus in the street or accessed via that street National Grid has the same rights in respect of that apparatus as it enjoyed immediately before the stopping up and the undertaker must grant to National Grid, or procure the granting to National Grid of, legal easements reasonably satisfactory to National Grid in respect of such apparatus and access to it prior to the stopping up of any such street but nothing in this paragraph affects any right of the undertaker or National Grid to require the removal of that apparatus under paragraph 29 or the power of the undertaker, subject to compliance with this sub-paragraph, to carry out works under paragraph 31.

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

#### *Protective works to buildings*

27.—(1) The undertaker must exercise the powers conferred by article 24 (protective work to buildings) so as not to obstruct or render less convenient the access to any apparatus without the written consent of National Grid (such consent not to be unreasonably withheld).

#### *Acquisition of land*

28.—(1) Regardless of any provision in this Order or anything shown on the land plans, the undertaker may not acquire any interest in land or apparatus or override any easement or other interest of National Grid otherwise than by agreement).

(2) As a condition of an agreement between the parties in sub-paragraph (1), prior to the carrying out of any part of the authorised works (or in such other timeframe as may be agreed between National Grid and the undertaker) that is subject to the requirements of this Part of this Schedule that will cause any conflict with or breach the terms of any easement or other legal or land interest of National Grid or affect the provisions of any enactment or agreement regulating the relations between National Grid and the undertaker in respect of any apparatus laid or erected



in land belonging to or secured by the undertaker, the undertaker must as National Grid reasonably requires enter into such deeds of consent upon such terms and conditions as may be agreed between National Grid and the undertaker acting reasonably and which must be no less favourable on the whole to National Grid unless otherwise agreed by National Grid, and it will be the responsibility of the undertaker to procure and secure the consent and entering into of such deeds and variations by all other third parties with an interest in the land at that time who are affected by such authorised works.

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

(4) Any agreement or consent granted by National Grid under paragraph 31 or 32 or any other paragraph of this Part of this Schedule, is not to be taken to constitute agreement under sub-paragraph (1).

#### *Removal of apparatus*

29.—(1) If, in the exercise of the powers conferred by this Order, the undertaker acquires any interest in or possesses temporarily any land in which any apparatus is placed, that apparatus must not be removed under this Part of this Schedule and any right of National Grid to maintain that apparatus in that land must not be extinguished until alternative apparatus has been constructed, and is in operation to the reasonable satisfaction of National Grid in accordance with sub-paragraph (2) to (5).

(2) If, for the purpose of executing any works in, on, under or over any land purchased, held, appropriated or used under this Order, the undertaker requires the removal of any apparatus placed in that land, it must give to National Grid advance written notice of that requirement, together with a plan of the work proposed, and of the proposed position of the alternative apparatus to be provided or constructed and in that case (or if in consequence of the exercise of any of the powers conferred by this Order National Grid reasonably needs to remove any of its apparatus) the undertaker must, subject to sub-paragraph (3), afford to National Grid to its reasonable satisfaction (taking into account paragraph 8(1)) the necessary facilities and rights—

(a) for the construction of alternative apparatus in other land of, or secured by, the undertaker; and

(b) 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 or land secured by 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, National Grid must, on receipt of a written notice to that effect from the undertaker, take such steps as are reasonable in the circumstances to obtain the necessary facilities and rights in the land in which the alternative apparatus is to be constructed save that this obligation does not extend to the requirement for National Grid to use its compulsory purchase powers to this end unless it elects to so do.

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

(5) National Grid must, after the alternative apparatus to be provided or constructed has been agreed, and subject to the grant to National Grid 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.

Facilities and rights for alternative apparatus

30.—(1) Where, in accordance with the provisions of this Part of this Schedule, the undertaker affords to or secures for National Grid facilities and rights in land for the construction, use, maintenance and protection 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 National Grid and must be no less favourable on the whole to National Grid than the facilities and rights enjoyed by it in respect of the apparatus to be removed unless otherwise agreed by National Grid.

(2) If the facilities and rights to be afforded by the undertaker under paragraph 30(1) above in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted, are less favourable on the whole to National Grid 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 matter may be referred to arbitration in accordance with paragraph 37 (Arbitration) of this Part of this Schedule and the arbitrator must make such provision for the payment of compensation by the undertaker to National Grid as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case.

Retained apparatus: protection of gas undertaker

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

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

- (a) the exact position of the specified works;
- (b) the level at which these are proposed to be constructed or renewed;
- (c) the manner of their construction or renewal including details of excavation, positioning of plant etc;
- (d) the position of all apparatus;
- (e) by way of detailed drawings, every alteration proposed to be made to or within 15m of any such apparatus; and
- (f) any intended maintenance regimes.

(3) The undertaker must not commence any specified works until National Grid has given written approval of the plan so submitted.

(4) Any approval of National Grid required under sub-paragraph (3)—

- (a) may be given subject to reasonable conditions for any purpose mentioned in sub-paragraphs (5) or (7); and
- (b) must not be unreasonably withheld or delayed.

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

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

- (a) the plan, submitted under sub-paragraph (1), as approved or as amended from time to time by agreement between the undertaker and National Grid; and
- (b) such reasonable requirements as may be made in accordance with sub-paragraphs (5) or (7) by National Grid for the alteration or otherwise for the protection of the apparatus, or for securing access to it, and National Grid will be entitled to watch and inspect the execution of those works.

(7) Where under sub-paragraph (6) National Grid requires any protective works to be carried out by itself or by the undertaker such protective works (whether of a temporary or permanent nature) must be carried out to National Grid's satisfaction prior to the commencement of any specified works for which protective works are required and National Grid must give notice of its requirement for such works within 56 days of the date of submission of a plan pursuant to this paragraph (except in an emergency).

(8) If National Grid in accordance with sub-paragraphs (5) or (7) 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 24 to 26 and 28 to 30 apply as if the removal of the apparatus had been required by the undertaker under paragraph 29(2).

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

(10) As soon as reasonably practicable after any ground subsidence event attributable to the authorised works—

- (a) the undertaker must implement an appropriate ground mitigation scheme; and
- (b) National Grid retains the right to carry out any further necessary protective works for the safeguarding of its apparatus and can recover any such costs in line with paragraph 32.

(11) The undertaker is not required to comply with sub-paragraph (1) where it needs to carry out emergency works but in that case it must give to National Grid notice as soon as is reasonably practicable and a plan of those works and must comply with sub-paragraphs (5), (6) and (7) insofar as is reasonably practicable in the circumstances.

(12) In sub-paragraph (11), “emergency works” means works whose execution at the time when they are executed is required in order to put an end to, or to prevent the occurrence of, circumstances then existing or imminent (or which the person responsible for the works believes on reasonable grounds to be existing or imminent) which are likely to cause danger to persons or property.

#### Expenses

32.—(1) Subject to the following provisions of this paragraph, the undertaker must pay to National Grid within 30 days of receipt of an itemised invoice or claim from National Grid all charges, costs and expenses reasonably anticipated within the following three months or reasonably and properly incurred by National Grid in, or in connection with, the inspection, removal, relaying or replacing, alteration or protection of any apparatus or the construction of any new or alternative apparatus which may be required in consequence of the execution of any authorised works including without limitation—

- (a) any costs reasonably incurred by or compensation properly paid by National Grid in connection with the acquisition of rights or the exercise of statutory powers for such apparatus including without limitation all costs incurred by National Grid as a consequence of National Grid;
  - (i) using its own compulsory purchase powers to acquire any necessary rights under paragraph 29(3); or
  - (ii) exercising any compulsory purchase powers in the Order transferred to or benefitting National Grid;
- (b) in connection with the cost of the carrying out of any diversion work or the provision of any alternative apparatus, where no written diversion agreement is otherwise in place;
- (c) the cutting off of any apparatus from any other apparatus or the making safe of redundant apparatus;
- (d) the approval of plans;

(e) the carrying out of protective works, plus a capitalised sum to cover the cost of maintaining and renewing permanent protective works;

(f) the survey of any land, apparatus or works, the inspection and monitoring of works or the installation or removal of any temporary works reasonably necessary in consequence of the execution of any such works referred to in this Part of this Schedule.

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

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

(a) apparatus of better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions; or

(b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was situated,

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker or, in default of agreement, is not determined by arbitration in accordance with paragraph 15 (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 National Grid by virtue of sub-paragraph (1) will be reduced by the amount of that excess save to the extent that it is not possible in the circumstances to obtain the existing type of apparatus at the same capacity and dimensions or place at the existing depth in which case full costs will be borne by the undertaker.

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

(a) an extension of apparatus to a length greater than the length of existing apparatus will not be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and

(b) where the provision of a joint in a pipe or cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole will be treated as if it also had been agreed or had been so determined.

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

#### Indemnity

33.—(1) Subject to sub-paragraphs (2) and (3), if by reason or in consequence of the construction of any works authorised by this Part of this Schedule or in consequence of the construction, use, maintenance or failure of any part of the authorised works by or on behalf of the undertaker or in consequence of any act or default of the undertaker (or any person employed or authorised by him) in the course of carrying out such works, including without limitation works carried out by the undertaker under this Part of this Schedule or any subsidence resulting from any of these works, any damage is caused to any apparatus or alternative apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of the authorised works) or property of National Grid, or there is any interruption in any service provided, or in the supply of any goods, by National Grid, or National Grid becomes liable to pay any amount to any third party, the undertaker will—

(a) bear and pay on demand accompanied by an invoice or claim from National Grid the cost reasonably and properly incurred by National Grid in making good such damage or restoring the supply; and

(b) indemnify National Grid for any other expenses, loss, demands, proceedings, damages, claims, penalty or costs incurred by or recovered from National Grid, by reason or in consequence of any such damage or interruption or National Grid becoming liable to any third party as aforesaid other than arising from any default of National Grid.

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

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

(a) any damage or interruption to the extent that it is attributable to the neglect or default of National Grid, its officers, servants, contractors or agents;

(b) any part of the authorised works carried out by National Grid in the exercise of any functions conferred by this Order pursuant to a grant or transfer under article 9 (consent to transfer benefit of Order).

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

(5) National Grid must, in respect of any matter covered by the indemnity given by the undertaker in this paragraph, at all times act reasonably and in the same manner as it would as if settling third party claims on its own behalf from its own funds.

(6) National Grid must use its reasonable endeavours to mitigate and to minimise any costs, expenses, loss, demands, and penalties to which the indemnity under this paragraph applies where it is within National Grid's reasonable ability and control to do so and which expressly excludes any obligation to mitigate liability arising from third parties which is outside of National Grid's control and if reasonably requested to do so by the undertaker National Grid must provide an explanation of how the claim has been minimised, where relevant.

#### Enactments and agreements

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

#### Co-operation

35.—(1) Where in consequence of the proposed construction of any part of the authorised works, the undertaker or National Grid requires the removal of apparatus under paragraph 29(2) or National Grid makes requirements for the protection or alteration of apparatus under paragraph 31 or 32, the undertaker must use its best endeavours to co-ordinate the execution of the works in the interests of safety and the efficient and economic execution of the authorised works and taking into account the need to ensure the safe and efficient operation of National Grid's undertaking and National Grid must use its best endeavours to co-operate with the undertaker for that purpose.

(2) For the avoidance of doubt whenever the undertaker's or National Grid's consent, agreement or approval is required in relation to plans, documents or other information submitted under this schedule, or agreement is required to be reached between the parties under this schedule, it must not be unreasonably withheld or delayed.

#### Access

36. If in consequence of the agreement reached in accordance with paragraph 6(1) or the powers granted under this Order the access to any apparatus is materially obstructed, the undertaker must provide such alternative means of access to such apparatus as will enable

National Grid to maintain or use the apparatus no less effectively than was possible before such obstruction.

Arbitration

37. Save for differences or disputes arising under paragraph 29(2), 29(4) and 30(1), any difference or dispute arising between the undertaker and National Grid under this Part of this Schedule must, unless otherwise agreed in writing between the undertaker and National Grid, be determined by arbitration in accordance with article 48 (arbitration).

Notices

38. Notwithstanding article 47 (service of notices), any plans submitted to National Grid by the undertaker pursuant to paragraph 31 must be sent to National Grid Plant Protection at [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) or such other address as National Grid may from time to time appoint instead for that purpose and notify to the undertaker in writing.

# SCHEDULE 11

Article 19 and 20

## TRAFFIC REGULATION MEASURES

### PART 1

#### NOTES TO SCHEDULE

**Note 1:** The naming conventions used in this Schedule to describe roads, junctions and structures relate to the naming conventions used in the labels on the traffic regulation plans.

**Note 2:** References to the national speed limit in column (3) of the table in Part 1 of this Schedule are references to the maximum speed limits specified under the 1984 Act and to provision made, or deemed to have been made, under the 1984 Act. The corresponding speed limit, noted in parentheses, is for information only and does not form part of this Order.

### PART 2

#### SPEED LIMITS

| (1)<br><i>Civil Parish</i>                                                                                                | (2)<br><i>Road name, number and extent</i>                                                                                                                                                                                                      | (3)<br><i>Speed Limit</i>                    |
|---------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| Trunk Road – Sheets 1 to 10<br>Hebron, Tritlington and West<br>Chevington, Felton,<br>Newton-on-the-Moor and<br>Swarland. | New A1 carriageway<br>Northbound comprised in<br>Work Nos. 1a, 2a and 3a from<br>the south of the junction of the<br>A1 with the A697 on Sheet 1<br>to north of Back Burn on<br>Sheet 10 to the extent<br>coloured purple on Sheets 1 to<br>10. | National speed limit (70 miles<br>per hour). |
|                                                                                                                           | New A1 carriageway<br>Southbound comprised in<br>Work Nos. 1b, 2b and 3b from<br>north of Back Burn on Sheet<br>10 to south of Warreners<br>House on Sheet 1 to the extent<br>coloured purple on Sheets 1 to<br>10.                             | National speed limit (70 miles<br>per hour). |
|                                                                                                                           | Northbound slip road from<br>new A1 carriageway to<br>Highlaws junction comprised<br>in Work No. 8a to the extent<br>shown coloured purple on<br>Sheet 2.                                                                                       | National speed limit (70 miles<br>per hour). |
|                                                                                                                           | Northbound slip road to new<br>A1 carriageway from<br>Highlaws junction comprised<br>in Work No. 8e to the extent<br>shown coloured purple shown<br>on Sheet 2.                                                                                 | National speed limit (70 miles<br>per hour). |

| (1)<br><i>Civil Parish</i> | (2)<br><i>Road name, number and extent</i>                                                                                                   | (3)<br><i>Speed Limit</i>                 |
|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
|                            | Southbound slip road from new A1 carriageway to Highlaws junction comprised in Work No. 8f to the extent shown coloured purple on Sheet 2.   | National speed limit (70 miles per hour). |
|                            | Southbound slip road to new A1 carriageway from Highlaws junction comprised in Work No. 8i to the extent shown coloured purple on Sheet 2.   | National speed limit (70 miles per hour). |
|                            | Northbound slip road from new A1 carriageway to Fenrother junction comprised in Work No. 9c to the extent shown coloured purple on Sheet 4.  | National speed limit (70 miles per hour). |
|                            | Northbound slip road to new A1 carriageway from Fenrother junction comprised in Work No. 9d to the extent shown coloured purple on Sheet 4.  | National speed limit (70 miles per hour). |
|                            | Southbound slip road from new A1 carriageway to Fenrother junction comprised in Work No. 9f to the extent shown coloured purple on Sheet 4.  | National speed limit (70 miles per hour). |
|                            | Southbound slip road to new A1 carriageway from Fenrother junction comprised in Work No. 8i to the extent shown coloured purple on Sheet 2.  | National speed limit (70 miles per hour). |
|                            | Northbound slip road from new A1 carriageway to West Moor junction comprised in Work No. 16c to the extent shown on Sheet 16.                | National speed limit (70 miles per hour). |
|                            | Northbound slip road to new A1 carriageway from West Moor junction comprised in Work No. 16f to the extent shown coloured purple on Sheet 9. | National speed limit (70 miles per hour). |
|                            | Southbound slip road from new A1 carriageway to West Moor junction comprised in Work No. 16g to the extent shown coloured purple on Sheet 9. | National speed limit (70 miles per hour). |
|                            | Southbound slip road to new                                                                                                                  | National speed limit (70 miles            |



| <i>(1)</i><br><i>Civil Parish</i>                                                | <i>(2)</i><br><i>Road name, number and extent</i>                                                                                                                                                                                                                                                                                                                                                                 | <i>(3)</i><br><i>Speed Limit</i>          |
|----------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
|                                                                                  | A1 carriageway from West Moor junction comprised in Work No. 16k to the extent shown coloured purple on Sheet 9.                                                                                                                                                                                                                                                                                                  | per hour).                                |
| Trunk Road – Sheets 11 to 17<br>Denwick, Rennington,<br>Eglington, Ellingham.    | A1 Dual Carriageway north bound comprising Work Nos. 21a, 22a and 23a and southbound comprising Work Nos. 21a, 22b and 23b for a distance of approximately 7900m all to the extent shown coloured purple on Sheets 11 to 17.                                                                                                                                                                                      | National speed limit (70 miles per hour). |
|                                                                                  | Northbound slip road from new A1 carriageway to Charlton Mires junction comprised in Work No. 29c to the extent shown coloured purple on Sheet 15.                                                                                                                                                                                                                                                                | National speed limit (70 miles per hour). |
|                                                                                  | Northbound slip road to new A1 carriageway from Charlton Mires junction comprised in Work No. 29f to the extent shown coloured purple on Sheet 15.                                                                                                                                                                                                                                                                | National speed limit (70 miles per hour). |
|                                                                                  | Southbound slip road from new A1 carriageway to Charlton Mires junction comprised in Work No. 29j to the extent shown coloured purple on Sheet 15.                                                                                                                                                                                                                                                                | National speed limit (70 miles per hour). |
|                                                                                  | Southbound slip road to new A1 carriageway from Charlton Mires junction comprised in Work No. 29l to the extent shown coloured purple on Sheet 15.                                                                                                                                                                                                                                                                | National speed limit (70 miles per hour). |
| Local Authority Road (including Hebron, Tritlington and West Chevington, Felton. | de-trunked A1) – Sheets 3 to 8<br>De-trunked A1 north and southbound comprising (first) that part of Work No. 10a from north of the River Lyne to the junction of the de-trunked A1 with Fenrother Lane East to the extent shown coloured green on Sheets 3 and 4; and (second) the road comprised in Work No. 19b from Portland House to Bockenfield Bridge to the extent shown coloured green on Sheets 4 to 8. | National speed limit (60 miles per hour). |

| <i>(1)</i><br><i>Civil Parish</i> | <i>(2)</i><br><i>Road name, number and extent</i>                                                                                                                                                                                                                                                       | <i>(3)</i><br><i>Speed Limit</i> |
|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| Trunk Road (A1 Connector Road)    |                                                                                                                                                                                                                                                                                                         |                                  |
| Hebron                            | Highlaws Junction comprising the overbridge to be constructed in terms of Work No. 8d and those parts of the northbound and southbound slips to and from the A1 comprised in Work Nos. 8a, 8e, 8f and 8i to the extent shown coloured green on Sheet 2.                                                 | 60 miles per hour                |
| Hebron                            | Fenrother Junction comprising the overbridge to be constructed in terms of Work No. 9g and those parts of the northbound and southbound slips to and from the A1 comprised in Work Nos. 9c, 9d, 9f and 9h to the extent shown coloured green on Sheet 4.                                                | 60 miles per hour                |
| Felton                            | West Moor Junction comprising the overbridge to be constructed in terms of Work No. 16e, the roundabout comprised in Work No. 16j and those parts of the northbound and southbound slips to and from the A1 comprised in Work Nos. 16c, 16f, 16g and 16k to the extent shown coloured green on Sheet 9. | 60 miles per hour                |
| Local Authority Roads             |                                                                                                                                                                                                                                                                                                         |                                  |
| Hebron                            | High Highlaws Road comprising Work No. 8b to the extent shown coloured green on Sheet 2.                                                                                                                                                                                                                | 60 miles per hour                |
| Hebron                            | Hebron Road comprising Work No. 8h to the extent shown coloured green on Sheet 2.                                                                                                                                                                                                                       | 60 miles per hour                |
| Tritlington and West Chevington   | Fenrother Lane (West) comprising Work No 9b to the extent shown coloured green on Sheet 4.                                                                                                                                                                                                              | 60 miles per hour                |
| Tritlington and West Chevington   | Fenrother Lane (East) comprising Work No 9i to the extent shown coloured green on Sheet 4.                                                                                                                                                                                                              | 60 miles per hour                |
| Tritlington and West Chevington   | Causey Park Overbridge comprising Work No. 11c to the extent shown coloured green on Sheet 6.                                                                                                                                                                                                           | 60 miles per hour                |

| <i>(1)</i><br><i>Civil Parish</i> | <i>(2)</i><br><i>Road name, number and extent</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <i>(3)</i><br><i>Speed Limit</i> |
|-----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| Thirston                          | Burgham Park Underbridge comprising Work No. 14 to the extent shown coloured green on Sheet 7 but including that part of Burgham Park Road that falls under the A1.                                                                                                                                                                                                                                                                                                                                                                     | 60 miles per hour                |
| Thirston                          | Felton Road (Sheet 9)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 60 miles per hour                |
| Thirston                          | The new link road from West Moor Junction roundabout to Bockenfield Bridge comprising Work No. 16l to the extent shown coloured green on Sheets 8 and 9.                                                                                                                                                                                                                                                                                                                                                                                | 60 miles per hour                |
| Felton, Thirston                  | The new road linking West Moor Road to Bywell Road comprising Work No. 16b to the extent shown coloured green on Sheets 8 and 9.                                                                                                                                                                                                                                                                                                                                                                                                        | 60 miles per hour                |
| Rennington                        | Charlton Mires Junction comprising the overbridge to be constructed in terms of Work No. 29g, the roundabout to the west of the A1 comprising Work No. 29e, the realigned stretch of the B6347 leading from the western arm of the said roundabout comprising Work No. 29c, the realigned stretch of the B6347 to the east of the A1 comprising Work No. 29k and those parts of the northbound and southbound slips to and from the A1 comprised in Work Nos. 29d, 29f, 29j and 29l all to the extent shown coloured green on Sheet 15. | 60 miles per hour                |
| Rennington, Eglingham             | Local access road linking Charlton Mires Junction and West Linkhall comprising Work No. 29h to the extent coloured pink on Sheets 15 and 16.                                                                                                                                                                                                                                                                                                                                                                                            | 60 miles per hour                |
| Rennington, Eglingham             | Local access road linking Charlton Mires Junction and East Linkhall comprising Work No. 29i to the extent coloured pink on Sheets 15 and 16.                                                                                                                                                                                                                                                                                                                                                                                            | 60 miles per hour                |
| Rennington                        | The access road to Rock Midstead comprised in Work No. 30a to the extent coloured pink on Sheet 15.                                                                                                                                                                                                                                                                                                                                                                                                                                     | 60 miles per hour                |
| Rennington                        | The local access road linking                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 60 miles per hour                |

| <i>(1)</i><br><i>Civil Parish</i> | <i>(2)</i><br><i>Road name, number and extent</i>                                                                                                          | <i>(3)</i><br><i>Speed Limit</i> |
|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| Rennington                        | Rock Midstead and Rock South Farm comprising Work No. 30b to the extent coloured pink on Sheets 14 and 15.<br>The realigned B6341 comprising Work No. 29A. | 60 miles per hour                |

## PART 3

### CLOSURES OF BUS STOP AND PARKING LAYBYS

| <i>(1)</i><br><i>Description of lay-by</i> | <i>(2)</i><br><i>Location</i>                                                                                              |
|--------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| Bus stop lay-by                            | Bus stop lay-by 1/1 on Sheer 1, located on the northbound side of the carriageway in front of Warreners House.             |
| Bus stop lay-by                            | Bus stop lay-by 1/2 on Sheet 1, located on the southbound side of the carriageway in front of Warreners House.             |
| Parking lay-by                             | Parking lay-by 2/1 on Sheet 2, located on the northbound side of the carriageway, 730m south of High Highlaws Road.        |
| Parking lay-by                             | Parking lay-by 2/2 on Sheet 2, located on the southbound side of the carriageway, 420m south of High Highlaws Road.        |
| Parking lay-by                             | Parking lay-by 3/1 on Sheet 3, located on the northbound side of the carriageway, 540m south of Priest's Bridge.           |
| Parking lay-by                             | Parking lay-by 3/2 on Sheet 3, located on the southbound side of the carriageway, 800m south of Priest's Bridge.           |
| Parking lay-by                             | Parking lay-by 7/1 on Sheet 7, located on the northbound side of the carriageway, 200m north of Burgham Park Road.         |
| Parking lay-by                             | Parking lay-by 9/1 in Sheet 9, located on the northbound side of the carriageway, 80m south of River Coquet Bridge.        |
| Parking lay-by                             | Parking lay-by 9/2 on Sheet 9, located on the southbound side of the carriageway, 150m south of River Coquet Bridge.       |
| Parking Lay-by                             | Parking lay-by 11/1 on Sheet 11, located on the southbound side of the carriageway 650m south of Heckley Cottage.          |
| Parking Lay-by                             | Parking lay-by 12/1 on Sheet 12, located on the northbound side of the carriageway 300m south of Heckley Fence Overbridge. |
| Parking Lay-by                             | Parking lay-by 13/1 on Sheet 13, located on the southbound side of the carriageway 550m north                              |

|                 |                                                                                                                                                                     |
|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Parking Lay-by  | of Heckley Fence Overbridge.<br>Parking lay-by 14/1 on Sheet 14, located on the southbound side of the carriageway 950m south of Charlton Mire Roundabout on Sheet. |
| Bus Stop Lay-by | Bus stop lay-by 15/1 on Sheet 15, located on the southbound side of the carriageway 220m south of Charlton Mire Roundabout.                                         |
| Bus Stop Lay-by | Bus stop lay-by 15/2 on Sheet 15, located on the northbound side of the carriageway 250m south of Patterson Cottage.                                                |
| Parking Lay-by  | Bus stop lay-by 16/1 on Sheet 16, located on the southbound side of the carriageway 300m south of Charlton Hall Road.                                               |

## SCHEDULE 12

Article 46

### DOCUMENTS TO BE CERTIFIED

The reference to a document in the table with a numbered regulation is a reference to the regulation as numbered in the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.

| <i>(1)</i><br><i>Document</i>                                                                                                                 | <i>(2)</i><br><i>Document Reference</i> | <i>(3)</i><br><i>Revision</i> |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|-------------------------------|
| Book of Reference                                                                                                                             | TR010041/APP/4.3                        | 6                             |
| Environmental Statement                                                                                                                       | TR010041/APP/6.1                        | 0                             |
| Chapter 0 – Table of Contents, Glossary and Abbreviations                                                                                     |                                         |                               |
| Environmental Statement –Volume 1: Introductory Chapters, Figures and Associated Figures and Appendices, subject to the following revisions:- | TR010041/APP/6.1                        | 0                             |
| Environmental Statement Appendix 2.1 - Lighting Assessment                                                                                    | TRO10041/APP/6.1                        | 1                             |
| Environmental Statement – Appendix 2.2 Technical Drawings                                                                                     | TRO10041/APP/6.1                        | 1                             |
| Environmental Statement – Volume 2: Part A Chapters subject to the following revisions:-                                                      | TR010041/APP/6.2                        | 0                             |
| Environmental Statement Figure 7.12 - Photomontage Location Plan                                                                              | TR010041/APP/6.2                        | 1                             |
| Environmental Statement – Volume 3: Part B Chapters                                                                                           | TR010041/APP/6.3                        | 0                             |
| Environmental Statement – Volume 4: Cumulative Effects and Summary subject to the following revisions:-                                       | TR010041/APP/6.4                        | 0                             |
| Updated Technical Note                                                                                                                        | TR010041/APP/7.26.3                     | 2                             |
| Environmental Statement – Volume 5 Part A Figures, subject to the following revisions:-                                                       | TR010041/APP/6.5                        | 1                             |
| Landscape Mitigation Masterplan – Part A                                                                                                      | TR010041/APP/6.5                        | 5                             |
| Environmental Statement – Volume 6 Part B Figures, subject to the following revisions:-                                                       | TR010041/APP/6/6                        | 1                             |
| Environmental Statement Figure 7.1 - Zone of                                                                                                  | TR010041/APP/6/6                        | 1                             |

|                                |                   |                   |
|--------------------------------|-------------------|-------------------|
| Theoretical Visibility Part B  |                   |                   |
| Environmental Statement        | TR010059/APP/6.6  | 3                 |
| Figure 7.10 - Landscape        |                   |                   |
| Mitigation Plan Part B         |                   |                   |
| Environmental Statement        | TR010041/APP/6.6  | 1                 |
| Figure 10.1 (Appendix ii) -    |                   |                   |
| Water Constraints Plan Part B  |                   |                   |
| Environmental Statement –      | TR010041/APP/6.7  | 0                 |
| Volume 7 Part A Appendices     |                   |                   |
| Environmental Statement –      | TR010041/APP/6.8  | 0                 |
| Volume 8 Part B Appendices     |                   |                   |
| Environmental Statement –      | TR010041/APP/6.9  | 0                 |
| Non-Technical Summary          |                   |                   |
| Statement of Statutory         | TR010041/APP/6.15 | 0                 |
| Nuisance                       |                   |                   |
| Part A Flood Risk Assessment   | TR010041/APP/6.7  | 1                 |
| – ES Appendix 10.1             |                   |                   |
| Part B Flood Risk Assessment   | TR010041/APP/6.8  | 0                 |
| - ES Appendix 10.1 subject to  |                   |                   |
| the following revisions:-      |                   |                   |
| Environmental Statement        | TR010041/APP/6.8  | 1                 |
| Appendix 10.4 - Drainage       |                   |                   |
| Strategy Report Part B         |                   |                   |
| Noise Addendum                 | TR010041/6.22     | 0                 |
| Flood Risk Assessment          | TR010041/7.9.1.2  | 1                 |
| Addendum                       |                   |                   |
| Population and Human Health    | TR010041/6.24     | 0                 |
| _Additional Assessment         |                   |                   |
| Plan and Assessment of         | TR010041/APP/6.1  | <a href="#">0</a> |
| Nature Conservation – Chapter  | TR010041/APP/6.2  | 0                 |
| 7, 9 and 14 of the ES          |                   |                   |
| Plan and Assessment of         | TR010041/APP/6.1  | 0                 |
| Historic Environmental Effects | TR010041/APP/6.2  | 0                 |
| - Chapter 6 of the ES          |                   |                   |
| Environmental Statement        | TR010041/APP/6.46 | 0                 |
| Addendum: East and West        |                   |                   |
| Linkhall Roads                 |                   |                   |
| Environmental Statement        | TR010041/APP/6.37 | 1                 |
| Addendum: Earthworks           |                   |                   |
| Amendments For Change          |                   |                   |
| Request                        |                   |                   |
| Environmental Statement        | TR010041/APP/6.38 | 1                 |
| Addendum: Stabilisation        |                   |                   |
| Works For Change Request       |                   |                   |
| Environmental Statement        | TR010041/APP/6.38 | 1                 |
| Addendum: Southern Access      |                   |                   |
| Works For Change Request       |                   |                   |
| Part A Scoping Opinion         | TR010041/APP/6.10 | 0                 |

|                                                                                         |                      |                        |
|-----------------------------------------------------------------------------------------|----------------------|------------------------|
| Part B Scoping Opinion                                                                  | TR010041/APP/6.11    | 0                      |
| Habitat Regulations Assessment                                                          | TR010041/APP/6.14    | 2                      |
| Habitat Regulations Assessment Addendum                                                 | TR010041/APP/7.8.27  | 0                      |
| Outline CEMP                                                                            | TR010041/APP/7.3     | <del>9</del> <u>10</u> |
| Outline CTMP                                                                            | TR010041/APP/7.4     | 4                      |
| Outline ancient woodland strategy                                                       | TR010041/APP/6.7     | 3                      |
| Culvert management plan                                                                 | TR010041/APP/7.9.1.1 | <del>2</del> <u>3</u>  |
| Location plan – Regulation 5(2)(o)                                                      | TR010041/APP/2.1     | 0                      |
| General arrangement plans – Regulation 5(2)(k)                                          | TR010041/APP/2.4     | 6                      |
| Land plans – Regulation 5(4) and 5(2)(i)                                                | TR010041/APP/2.2     | 4                      |
| Works plans – Regulation 5(4) and 5(2)(j)                                               | TR010041/APP/2.3     | 3                      |
| Rights of way and access plans – Regulation 5(4) and 5(2)(k)                            | TR010041/APP/2.5     | 5                      |
| Engineering Drawings and Sections – Regulations 5(4), 5(2)(o) and 6(2)                  | TR010041/APP/2.7     | 0                      |
| Structures Engineering Drawings and Sections - Regulation 5(4) and 5(2)(o)              | TR010041/APP/ 2.8    | 3                      |
| Traffic regulation plans – Regulation 5(4) and 5(2)(o)                                  | TR010041/APP/2.6     | 3                      |
| Vegetation clearance plans                                                              | TR010041/APP/2.9     | 3                      |
| Landscape Mitigation                                                                    | TR010059/APP/6.5     | 5                      |
| Masterplan Part A – Regulation 5(2)(a)                                                  |                      |                        |
| Landscape Mitigation Plan Part B – Regulation 5(2)(a)                                   | TR010059/APP/6.6     | 3                      |
| Landscape Mitigation Plan including Assessment Parameter 3 Part B – Regulation 5(2)(a)- | TR010059/APP/6.6     | 0                      |
| Watercourse riparian planting plan                                                      | TR10041/APP/2.12     | 0                      |
| Cross sections for Earthworks Amendments                                                | TR010059/APP/7.30.1  | 0                      |
| Proposed highway adoption and maintenance responsibilities                              | TR10041/APP/2.11     | 3                      |



## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order authorises Highways England to undertake works in Northumberland to:

- (a) alter the existing A1 between Warreners House Interchange at Morpeth and Priest's Bridge;
- (b) alter the existing A1 between Burgham Park and the existing dual carriageway at Felton; and
- (c) construct a new dual carriageway to the west of the existing A1 between Priest's Bridge and Burgham Park,
- (d) alter the A1 between land north of Denwick Interchange (Alnwick) and south of North Charlton near Ellingham

and carry out all associated works.

The Order permits Highways England to acquire, compulsorily or by agreement, land and rights in land and to use land for this purpose.

The Order also includes provisions in connection with the maintenance of the authorised development.

A copy of the plans, engineering drawings and sections, the book of reference, the environmental statement and the outline CEMP mentioned in this Order and certified in accordance with article 46 (certification of documents, etc.) of this Order may be inspected free of charge during normal working hours at [Highways England, Lateral, 8 City Walk, Leeds, West Yorkshire, LS11 9AT.

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[psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk).

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