A66 Northern Trans-Pennine Project
TR010062

Application for a Non-Material Change to The A66 Northern Trans-Pennine Development Consent Order 2024

Development Consent Order as made with Tracked Changes relating to Proposed Changes

Planning Act 2008

The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011

November 2026

Infrastructure Planning

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DEVELOPMENT CONSENT ORDER AS MADE WITH TRACKED CHANGES RELATING TO PROPOSED CHANGES

Planning Inspectorate Scheme Reference	TR010062
Author:	A66 Northern Trans-Pennine Project Team, National Highways

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STATUTORY INSTRUMENTS

2024 No. 360

INFRASTRUCTURE PLANNING

The A66 Northern Trans-Pennine Development Consent Order 2024

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

The application was examined by a Panel of four members ("the Panel") (appointed by the Secretary of State) in accordance with Chapter 4 of Part 6 of the 2008 Act and the Infrastructure Planning (Examination Procedure) Rules 2010(**c**).

The Panel, having examined the application and the documents that accompanied it, and the representations made and not withdrawn, has, in accordance with section 74(2) of the 2008 Act, submitted a report and recommendation to the Secretary of State.

The Secretary of State, having considered the representations made and not withdrawn, and the report of the Panel, has decided to make an Order granting development consent for the development described in the application with modifications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

The Secretary of State is satisfied that replacement land has been or will be given in exchange for the special category land (as defined in article 34 (special category land) of this Order), and the replacement land (as defined in that article) has been or will be vested in the prospective seller and subject to the same rights, trusts and incidents as attach to the special category land, and that, accordingly, section 131(4) of the 2008 Act applies. In accordance with section 132(3) of the 2008 Act, the Secretary of State is satisfied, having considered the report and recommendation of the Panel, that the parcels of land labelled 0102-02-54, 0102-02-57, 0102-02-58, 0102-02-70 and 0102-02-73 on the special category land plans and described in the book of reference (both terms being as defined in article 2(1) of this Order) when burdened with a new right created under this

(**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, S.I. 2013/755, S.I. 2014/469, S.I. 2014/2381, S.I. 2015/377, S.I.2015/1682, S.I. 2017/524, S.I.2017/572, S.I. 2018/378, S.I. 2019/734, S.I. 2020/764, S.I. 2020/1534, S.I. 2021/978 and S.I. 2022/634.
(**c**) S.I. 2010/103, amended by S.I. 2012/635.

Order, will be no less advantageous than they were before the making of this Order to the following person: (a) the persons in whom they are vested; (b) other persons, if any, entitled to rights of common or other right; and (c) the public.

The Secretary of State, in exercise of the powers conferred by sections 114(**a**), 115(**b**), 117(**c**), 120(**d**), 122(**e**), 123(**f**) and 131(**g**) of, and paragraphs 1 to 4, 10 to 17, 19 to 23, 26, 33, 36 and 37 of Part 1 of Schedule 5(**h**) to, the 2008 Act, makes the following Order—

PART 1

PRELIMINARY

Citation and commencement

1. This Order may be cited as the A66 Northern Trans-Pennine Development Consent Order 2024 and comes into force on 28th March 2024.

Interpretation

2.—(1) In this Order—

"the 1961 Act" means the Land Compensation Act 1961(**i**);

"the 1965 Act" means the Compulsory Purchase Act 1965(**j**);

"the 1980 Act" means the Highways Act 1980(**k**);

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

"the 1984 Act" means the Road Traffic Regulation Act 1984(**m**);

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

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

"the 2004 Act" means the Traffic Management Act 2004(**p**);

"the 2008 Act" means the Planning Act 2008(**q**);

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

"apparatus" has the same meaning as in Part 3 (street works in England and Wales) of the 1991 Act;

"authorised development" means the development and associated development described in Schedule 1 (authorised development) or any part of it and any other development authorised

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(**a**) Section 114 was amended by paragraph 55 of Part 1 of Schedule 11 to the Localism Act 2011.
(**b**) Section 115 was amended by paragraph 56 of Part 1 of Schedule 13 and Part 20 of Schedule 25 to the Localism Act 2011, section 160 of the Housing and Planning Act 2016 (c. 22) and section 43 of the Wales Act 2017 (c. 4).
(**c**) Section 117 was amended by paragraph 58 of Part 1 of Schedule 13 and Part 20 of Schedule 25 to the Localism Act 2011.
(**d**) Section 120 was amended by section 140 and paragraph 60 of Part 1 of Schedule 13 to the Localism Act 2011.
(**e**) Section 122 was amended by paragraph 62 of Part 1 of Schedule 13 to the Localism Act 2011.
(**f**) Section 123 was amended by paragraph 62 of Part 1 of Schedule 13 to the Localism Act 2011.
(**g**) Section 131 was amended by section 24(2) of the Growth and Infrastructure Act 2013.
(**h**) Part 1 of Schedule 5 was amended by paragraph 4 of Part 1 of Schedule 8 and Part 2 of Schedule 22 to the Marine and Coastal Access Act 2009 (c. 23), paragraph 71 of Part 1 of Schedule 13 to the Localism Act 2011 and paragraph 76 of Part 3 of Schedule 6 to the Wales Act 2017.
(**i**) 1961 c. 33.
(**j**) 1965 c. 56.
(**k**) 1980 c. 66.
(**l**) 1981 c. 66.
(**m**) 1984 c. 27.
(**n**) 1990 c. 8.
(**o**) 1991 c. 22.
(**p**) 2004 c. 18.
(**q**) 2008 c. 29.

by this Order, which is development within the meaning of section 32 (meaning of "development") of the 2008 Act;

"book of reference" means the document of that description listed in Schedule 10 (documents to be certified) and certified by the Secretary of State as the book of reference for the purposes of this Order;

"bridleway" has the same meaning as in section 329(1) (further provision as to interpretation) of the 1980 Act and, in relation to the authorised development, includes the right provided by section 30 (riding of pedal bicycles on bridleways) of the Countryside Act 1968(**a**);

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

"byway open to all traffic" has the same meaning as in section 66(1) (interpretation of Part 3) of the Wildlife and Countryside Act 1981(**b**);

"carriageway" has the same meaning as in section 329(1) of the 1980 Act;

"classification of roads plans" means the document of that description listed in Schedule 10 and certified by the Secretary of State as the classification of roads plans for the purposes of this Order;

"construct" includes execute, place, alter, replace, relay and remove and "construction" is to be construed accordingly;

"Crown land plans" means the document of that description listed in Schedule 10 and certified by the Secretary of State as the Crown land plans for the purposes of this Order;

"cycle track" means a way constituting a highway, being a way over which the public have the following, but no other, rights of way, that is to say, a right of way on pedal cycles (other than pedal cycles which are motor vehicles within the meaning of the Road Traffic Act 1988(**c**)) with a right of way on foot;

"cycleway" means a way comprised in a highway, being a way over which the public have the following, but no other, rights of way, that is to say, a right of way on pedal cycles (other than pedal cycles which are motor vehicles within the meaning of the Road Traffic Act 1988) with a right of way on foot;

"design principles" means the document of that description listed in Schedule 10 and certified by the Secretary of State as the design principles for the purposes of this Order;

"de-trunking plans" means the document of that description listed in Schedule 10 and certified by the Secretary of State as the de-trunking plans for the purposes of this Order;

"earthworks" means any embankment or cutting slope required to raise or lower a road from existing ground levels;

"electronic transmission" means a communication transmitted—

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

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

and in this definition "electronic communications network" has the same meaning as in section 32(1) (meaning of electronic communications networks and services) of the Communications Act 2003(**d**);

"engineering section drawings: cross sections" means the document of that description listed in Schedule 10 and certified by the Secretary of State as the engineering section drawings: cross sections for the purposes of this Order;

"engineering section drawings: plan and profiles" means the document of that description listed in Schedule 10 and certified by the Secretary of State as the engineering section drawings: plan and profiles for the purposes of this Order;

(**a**) 1968 c. 41. Section 30 was amended by paragraph 2 of Schedule 7 to the Countryside and Rights of Way Act 2000 (c. 37).
(**b**) 1981 c. 69.
(**c**) 1988 c. 52.
(**d**) 2003 c. 21. Section 32(1) was amended by S.I. 2011/1210.

"environmental statement" means the document of that description listed in Schedule 10 and certified by the Secretary of State as the environmental statement for the purposes of this Order;

"equestrian track" means a way comprised in a highway, being a way over which the public have the following, but no other rights of way, that is to say a right of way on horseback or leading a horse, a right of way on pedal cycles (other than pedal cycles which are motor vehicles within the meaning of the Road Traffic Act 1988 and a right of way on foot;

"flood risk activity" has the same meaning as in regulation 2 (interpretation: general) of the Environmental Permitting (England and Wales) Regulations 2016(**a**);

"footpath" and "footway" have the same meaning as in section 329(1) of the 1980 Act;

"highway", "highway authority" and "local highway authority" respectively have the same meaning as in section 328 (meaning of "highway"), section 1 (highways authorities: general provision) and section 329(1) of the 1980 Act;

"land plans" means the document of that description listed in Schedule 10 and certified by the Secretary of State as the land plans for the purposes of this Order;

"limits of deviation" means limits of deviation referred to in article 7 (limits of deviation);

"maintain" includes inspect, repair, adjust, alter, remove, replace or reconstruct, 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;

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

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

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

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

"rights of way and access plans" means the document of that description listed in Schedule 10 and certified by the Secretary of State as the rights of way and access plans for the purposes of this Order;

"scheme 0102" means M6 Junction 40 to Kemplay Bank;

"scheme 03" means Penrith to Temple Sowerby;

"scheme 0405" means Temple Sowerby to Appleby;

"scheme 06" means Appleby to Brough;

"scheme 07" means Bowes Bypass;

"scheme 08" means Cross Lanes to Rokeby;

"scheme 09" means Stephen Bank to Carkin Moor;

"scheme 11" means A1(M) Junction 53 Scotch Corner;

"special category land plans" means the document of that description listed in Schedule 10 and certified by the Secretary of State as the special category land plans for the purposes of this Order;

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

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

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

"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(**b**) (streets, street works and undertakers) of the 1991 Act, together with land on the verge of a street or between two carriageways;

"street authority", in relation to a street, has the same meaning as in section 49(**c**) (the street authority and other relevant authorities) of the 1991 Act;

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

"traffic officer" means an individual designated under section 2 (designation of traffic officers) of the 2004 Act;

"traffic regulation measures (clearways and prohibitions) plans" means the document of that description listed in Schedule 10 and certified by the Secretary of State as the traffic regulation measures (clearways and prohibitions) plans for the purposes of this Order;

"traffic regulation measures (speed limits) plans" means the document of that description listed in Schedule 10 and certified by the Secretary of State as the traffic regulation measures (speed limits) plans for the purposes of this Order;

"tree preservation order trees location plans" means the document of that description listed in Schedule 10 and certified by the Secretary of State as the tree preservation order trees location plans for the purposes of this Order;

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

"trunk road" means a highway which is a trunk road by virtue of—

(c) section 10(**e**) (general provision as to trunk roads) or 19(1)(**f**) (certain special roads and other highways to become trunk roads) of the 1980 Act;

(d) an order made or direction given under section 10 of that Act;

(e) an order granting development consent; or

(f) any other enactment;

"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;

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

"works plans" means the document of that description listed in Schedule 10 and certified by the Secretary of State as the works plans for the purposes of this Order.

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

(**a**) Section 16 was amended by section 36 of, and paragraph 24 of Schedule 2 to, the 2008 Act and section 57(1) of, and paragraph 13(2) to (4) of Schedule 1 to, the Infrastructure Act 2015 (c. 7).
(**b**) Section 48 was amended by section 124(2) of the Local Transport Act 2008 (c. 26).
(**c**) Section 49 was amended by paragraph 117 of Schedule 1 to the Infrastructure Act 2015 (c. 7).
(**d**) Section 121A was inserted by section 168(1) of, and paragraph 70 of Schedule 8 to, the New Roads and Street Works Act 1991 and amended by section 1(6) of, and paragraphs 70 and 95 of Schedule 1 to, the Infrastructure Act 2015 and S.I. 2001/1400.
(**e**) Section 10 was amended by section 22(2) of the New Roads and Street Works Act 1991, by section 36 of, and paragraph 22 of Schedule 2 to, the Planning Act 2008 and by section 57(1) of, and paragraph 10 of Schedule 1 to, the Infrastructure Act 2015.
(**f**) Section 19(1) was amended by section 57(1) of, and paragraph 15 of Schedule 1 to, the Infrastructure Act 2015.

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

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

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

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

(7) In this Order, references to materially new or materially different environmental effects in comparison with those reported in the environmental statement are not to be construed so as to include the avoidance, removal or reduction of an assessed adverse environmental effect or a positive environmental effect, or the increase of an assessed positive environmental effect.

Disapplication of legislative provisions

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

(a) section 28E (duties in relation to sites of scientific interest) of the Wildlife and Countryside Act 1981(**a**);

(b) section 28H(**b**) (statutory undertakers, etc.: duty in relation to carrying out operations) of the Wildlife and Countryside Act 1981;

(c) section 80 (notice to local authority of intended demolition) of the Building Act 1984(**c**);

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

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

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

(g) the provisions of any byelaws made under, or having effect as if made under, paragraphs 5, 6, or 6A of Schedule 25 (byelaw-making powers of the appropriate agency) to the Water Resources Act 1991(**f**);

(h) regulation 12 (requirement for an environmental permit) of the Environmental Permitting (England & Wales) Regulations 2016(**g**) in respect of a flood risk activity only; and

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(**a**) 1981 c. 69. Section 28E was inserted by section 75(1) of, and paragraph 1 of Schedule 9 to, the Countryside and Rights of Way Act 2000 (c. 37). It was amended by section 105(1) of, and paragraph 79 of Schedule 11 to, the Natural Environment and Rural Communities Act 2006 (c. 16). There are other amendments which are not relevant to this Order.

(**b**) Section 28H was inserted by section 75(1) of, and paragraph 1 of Schedule 9 to, the Countryside and Rights of Way Act 2000. It was amended by section 105(1) of, and paragraph 79 of Schedule 11 to, the Natural Environment and Rural Communities Act 2006.

(**c**) 1984 c. 55. Section 80 was amended by sections 4 and 5(2) of and paragraph 58(3) of Schedule 2 to the Housing (Consequential Provisions) Act 1985 (c. 71), section 24(1) of, and paragraph 11(1) and (2) of Schedule 5 to the Housing and Planning Act 1986 (c. 63), paragraph 33 of Schedule 8 to the Gas Act 1986 (c. 44), paragraph 33 of Schedule 17 to the Electricity Act 1989 (c. 29) and S.I. 1990/1285.

(**d**) 1991 c. 59. Section 23 was amended by section 120 of, and paragraphs 192(1) and (2) of Schedule 22 to, the Environment Act 1995 (c. 25) and by section 49(3) of, and paragraph 32 of Schedule 2 to, the Flood and Water Management Act 2010 (c. 29). There are other amendments to section 23 which are not relevant to this Order.

(**e**) Section 66 was amended by section 49(3) of, and paragraph 38 of Schedule 2 to, the Flood and Water Management Act 2010 (c. 29) and section 86(3) of the Water Act 2014 (c. 21).

(**f**) 1991 c. 57. Paragraph 5 was amended by section 100(2) of the Natural Environment and Rural Communities Act 2006 (c. 16), section 84(2) of, and paragraph 3 of Schedule 11 to, the Marine and Coastal Access Act 2009 (c. 23), paragraph 49 of Schedule 2 to the Flood and Water Management Act 2010 (c. 29) and S.I. 2013/755. Paragraph 6 was amended by paragraph 26 of Schedule 15 to the Environment Act 1995 and section 224 of, and paragraph 24 of Schedule 16 and Part 5(B) of Schedule 22 to, the Marine and Coastal Access Act 2009. Paragraph 6A was inserted by section 103(3) of the Environment Act 1995.

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

(i) the provisions of the Neighbourhood Planning Act 2017(**a**) in so far as they relate to temporary possession of land under articles 29 (temporary use of land for constructing the authorised development) and 30 (temporary use of land for maintaining the authorised development) of this Order.

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

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

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

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

(4) The provisions of the following enactments do not apply in so far as those provisions still in force are incompatible with the exercise by the undertaker of the functions conferred by this Order—

(a) The Eden Valley Railway Act 1858(**d**);

(b) The Eden Valley Railway Act 1862(**e**); and

(c) The Midland Railway (Settle to Carlisle) Act 1866(**f**).

PART 2

WORKS PROVISIONS

Principal powers

Development consent, etc. granted by the Order

4.—(1) Subject to the provisions of this Order the undertaker is granted development consent for the authorised development.

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

Maintenance of the authorised development

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

Planning permission

6.—(1) It does not constitute a breach of the terms of this Order, if, following the coming into force of this Order, any development is carried out or used within the Order limits in accordance with any planning permission granted under the powers conferred by the 1990 Act.

(**a**) 2017 c. 20.
(**b**) S.I. 2010/948, amended by S.I. 2011/987; there are other amending instruments that are not relevant to this Order.
(**c**) 1967 c. 10. Section 9 was amended by section 4 of, and paragraph 14 of, Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c. 11). There are other amendments to section 9 that are not relevant to this Order.
(**d**) 1858 c. xiv.
(**e**) 1862 c. cxviii.
(**f**) 1866 c. ccxxiii.

(2) Subject to article 8 (application of the 1991 Act), nothing in this Order is to prejudice the operation of, and the powers and duties of the undertaker under, the 1980 Act, the 1991 Act and the Town and Country Planning (General Permitted Development) (England) Order 2015(**a**).

Limits of deviation

7.—(1) The following provisions of this article have effect subject to the requirement that the undertaker must, save for any works or operations authorised under articles 14 (protective works to buildings) or 15 (authority to survey and investigate land), construct the authorised development within the Order limits.

(2) In constructing and maintaining the non-linear works comprised in the authorised development, the undertaker may deviate laterally within the limits of deviation for those works shown on the works plans.

(3) Subject to paragraph (4), in constructing or maintaining the linear works comprised in the authorised development the undertaker may deviate laterally from the lines or situations shown on the works plans, within the Order limits, save that—

(a) in constructing or maintaining any linear work other than those referred to in column (1) of the table below, in deviating laterally from the centrelines shown on the works plans, the situation of the centreline may be varied up to a maximum of 3 metres either side of the centreline of that work as shown on the works plans; and

(b) in relation to the linear works referred to in column (1) of the table below, the centreline of that work may be—

(i) situated on the north side of the centreline of that work shown on the works plans, by a distance not exceeding the permitted limit for each such part, set out in the corresponding entry in column (2) of the table below; and

(ii) situated on the south side of the centreline of that work shown on the works plans, by a distance not exceeding the permitted limit for each such part, set out in the corresponding entry in column (3) of the table below.

Table referred to in paragraph (3)

(1) *Part of authorised development*	*(2)* *Lateral limit of deviation of the centre line numbered work to the north side of the centre line shown on the works plans*	*(3)* *Lateral limit of deviation of the centre line of the numbered work to the south side of the centre line shown on the works plans*
Work No. 0102-1D	10 metres	10 metres
Work No. 0102-7B	To the extent of the corresponding fine dashed green line shown on the works plans	To the extent of the corresponding fine dashed green line shown on the works plans
Work No. 0102-8	To the extent of the corresponding fine dashed green line shown on the works plans	3 metres
Work No. 03-6	To the outer extent of the earthworks on the south side of Work No. 03-1B (being the A66 mainline)	3 metres
Work No. 03-7B	To the extent of the Order limits	To the outer extent of the earthworks on the north side of Work No. 03-1B (A66 mainline)
Work No. 03-8	To the extent of the Order limits	To the outer extent of the earthworks on the north side of

(**a**) S.I. 2015/596.

		Work No.03-1B (A66 mainline)
Work No. 0405-4B	To the extent of the Order limits	To the extent of the Order limits
Work No. 0405-6C	To the extent of the corresponding fine dashed green line shown on the works plans	3 metres
Work No. 0405-8	3 metres	To the extent of the corresponding fine dashed green line shown on the works plans
Work No. 0405-12B	3 metres	To the extent of the corresponding fine dashed green line shown on the works plans
Work No. 0405-18	To the extent of the Order limits	To the extent of the Order limits
Work No. 0405-19	To the extent of the Order limits	To the extent of the Order limits
Work No. 06-4B	3 metres	To the extent of the corresponding fine dashed green line shown on the works plans
Work No. 06-4D	3 metres	To the extent of the corresponding fine dashed green line shown on the works plans
Work No. 06-7A	To the outer extent of the earthworks on the south side of Work No. 06-1D (A66 mainline)	3 metres
Work No. 09-1B	5 metres	5 metres
Work No. 09-1D	To the extent of the Order limits	3 metres
Work No. 09-3B	To the extent of the corresponding fine dashed green line shown on the works plans	3 metres
Work No. 09-3E	To the extent of the corresponding fine dashed green line shown on the works plans	3 metres
Work No. 09-3F	0 metres	5 metres

(4) In constructing or maintaining the linear works referred to in column (1) of the table below, the undertaker may deviate laterally within the Order limits so that the centreline of that work shown on the works plans may be—

(a) situated on the west side of the centreline of that work shown on the works plans, by a distance not exceeding the permitted limit for each such part, set out in the corresponding entry in column (2) of the table below; and

(b) situated on the east side of the centreline of that work shown on the works plans, by a distance not exceeding the permitted limit for each such part, set out in the corresponding entry in column (3) of the table below.

Table referred to in paragraph (4)

(1) *Part of the authorised development*	*(2)* *Lateral limit of deviation of the centre line of the numbered work to the west side of the centre line shown on the works plans*	*(3)* *Lateral limit of deviation of the centre line of the numbered work to the east side of the centre line shown on the works plans*
Work No. 0102-7B	To the extent of the corresponding fine dashed green line shown on the works plans	To the extent of the corresponding fine dashed green line shown on the works plans

Work No. 0405-7	To the extent of the corresponding fine dashed green line shown on the works plans	3 metres
Work No. 0405-13	To the extent of the corresponding fine dashed green line shown on the works plans or where there is no fine dashed green line, 3 metres	To the extent of the corresponding fine dashed green line shown on the works plans or, where there is no fine dashed green line, 3 metres
Work No. 0405-20B	To the extent of the corresponding fine dashed green line shown on the works plans	3 metres
Work No. 0405-20C	3 metres	To the extent of the corresponding fine dashed green line shown on the works plans
Work No. 06-2B	To the extent of the corresponding fine dashed green line shown on the works plans	3 metres

(5) In constructing or maintaining the authorised development, the undertaker may deviate vertically from the levels shown on the engineering section drawings: plan and profiles and the engineering section drawings: cross sections—

(a) upwards to any extent not exceeding 1 metre, or, in relation to the parts of the authorised development referred to in column (1) of the table below, not exceeding the permitted limit for each such part, set out in the corresponding entry in column (2) of that table;

(b) downwards to any extent not exceeding 1 metre, or, in relation to the parts of the authorised development referred to in column (1) of the table below, not exceeding the permitted limit for each such part, set out in the corresponding entry in column (3) of that table; and

(c) except that—

(i) in the case of Work Nos. 03-1A and 03-1B, the upwards and downwards vertical limits set out in paragraphs (a) and (b) will not apply where their application would preclude the undertaker from retaining the existing levels of the A66 carriageway along the lengths of those numbered works; and

(ii) in the case of Work No. 07-8, the upwards and downwards vertical limits set out in paragraphs (a) and (b) will not apply to the levels shown eastwards of chainage reference point 650,000 on Sheet 9 of the engineering section drawings: plan and profiles for scheme 07 where their application would preclude the undertaker from tying Work No. 07-8 into the existing ground levels at Bowes Cross Farm.

Table referred to in paragraph (5)

(1) *Part of authorised development*	*(2)* *Upwards vertical limit of deviation*	*(3)* *Downwards vertical limit of deviation*
Work No. 0102-1D	3 metres	3 metres
Work No. 0102-7A	2 metres	2 metres
Work No. 0102-7B	2 metres	2 metres
Work No. 0102-7C	2 metres	2 metres
Work No. 0102-8	1.5 metres	0 metres
Work No. 03-6	To any extent the undertaker considers to be necessary	To any extent the undertaker considers to be necessary

Work No. 03-7B	To any extent the undertaker considers to be necessary	To any extent the undertaker considers to be necessary
Work No. 03-8	To any extent the undertaker considers to be necessary	To any extent the undertaker considers to be necessary
Work No. 0405-1A	3 metres	3 metres
Work No. 0405-2A	3 metres	3 metres
Work No. 0405-5	1 metre	2 metres
Work No. 0405-6B	2 metres	To any extent the undertaker considers to be necessary
Work No. 0405-6C	2 metres	To any extent the undertaker considers to be necessary to tie in with Work No. 0405-7
Work No. 0405-7	1 metre	To any extent the undertaker considers to be necessary
Work No. 0405-8	To any extent the undertaker considers to be necessary to tie in with Work No. 0405-07	To any extent the undertaker considers to be necessary to tie in with Work No. 0405-7
Work No. 0405-12A	1 metre	To any extent the undertaker considers to be necessary to use existing ground levels
Work No. 0405-12B	1 metre	To any extent the undertaker considers to be necessary to use existing ground levels
Work No. 0405-13	3 metres	To any extent the undertaker considers to be necessary to use existing ground levels
Work No. 0405-20B	1 metre	To any extent the undertaker considers to be necessary to pass beneath Work Nos. 0405-1B and 0405-2B
Work No. 0405-20C	1 metre	To any extent the undertaker considers to be necessary to tie in with Work No. 0405-20B
Work No. 0405-18	1 metre	0 metres
Work No. 06-1B	1 metre	0 metres
Work No. 06-1C	0 metres	To any extent the undertaker considers to be necessary
Work No. 06-2A	2 metres	2 metres
Work No. 06-2B	2 metres	2 metres
Work No. 06-3	0 metres	To any extent the undertaker considers to be necessary
Work No. 06-4B	1 metre	To any extent the undertaker considers to be necessary
Work No. 06-7A	To any extent the undertaker considers to be necessary as a consequence of any horizontal movement northwards	2 metres
Work No. 07-1B	1 metre	1.5 metres
Work No. 07-2B	1 metre	1.5 metres
Work No. 07-7B	2 metres	2 metres
Work No. 08-1B	1 metre	2 metres
Work No. 08-4A	1 metre	2 metres
Work No. 08-4B	1 metre	2 metres
Work No. 09-1B	1 metre	3 metres

Work No. 09-1D	1 metre	4 metres
Work No. 09-3B	1 metre	To any extent the undertaker considers to be necessary
Work No. 09-5	1 metre	3 metres

(6) The maximum vertical limits of deviation referred to in paragraph (5) do not apply where it is demonstrated by the undertaker to the Secretary of State's satisfaction and the Secretary of State certifies accordingly, following consultation with the relevant planning authority, 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.

(7) Without limitation on the scope of paragraphs (2) to (5), in constructing or maintaining the authorised development the undertaker may deviate by up to 3 metres from the points of commencement and termination of any linear works shown on the works plans.

(8) In this article, references to—

"linear works" are references to any works shown on the works plans by way of a centreline; and

"non-linear works" are references to any other works shown on the works plans.

Application of the 1991 Act

8.—(1) Works constructed or maintained 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) (highway authorities, highways and related matters) of that Act; 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(**a**) (dual carriageways and roundabouts) of the 1980 Act or section 184(**b**) (vehicle crossings over footways and verges) of that Act.

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

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

section 56(**c**) (power to give directions as to timing of street works);

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

section 58(**e**) (restriction on works following substantial road works);

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

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

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

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

(**a**) Section 64 was amended by section 102 of, and Schedule 17 to, the Local Government Act 1985 (c. 51) and section 168(2) of, and Schedule 9 to, the New Roads and Street Works Act 1991 (c. 22).
(**b**) Section 184 was amended by sections 35, 37, 38 and 46 of the Criminal Justice Act 1982 (c. 48); by section 4 of, and paragraph 45 of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c. 11); and section 168 of, and paragraph 9 of Schedule 8 and Schedule 9 to, the New Roads and Street Works Act 1991.
(**c**) Section 56 was amended by sections 40 and 43 of, and Schedule 1 to, the Traffic Management Act 2004 (c. 18).
(**d**) Section 56A was inserted by section 44 of the Traffic Management Act 2004.
(**e**) Section 58 was amended by sections 40 and 51 of, and Schedule 1 to, the Traffic Management Act 2004.
(**f**) Section 58A was inserted by section 52 of the Traffic Management Act 2004.
(**g**) Section 73A was inserted by section 55 of the Traffic Management Act 2004.
(**h**) Section 73B was inserted by section 55 of the Traffic Management Act 2004.
(**i**) Section 73C was inserted by section 55 of the Traffic Management Act 2004.

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

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

(4) The provisions of the 1991 Act mentioned in paragraph (5) (which, together with other provisions of that Act, apply in relation to the execution of street works) and any regulations made, or code of practice issued or approved under, those provisions apply (with the necessary modifications) in relation to any prohibition, restriction, regulation, alteration or diversion of a street of a temporary nature by the undertaker under the powers conferred by article 11 (temporary prohibition, restriction or regulation of use or alteration or diversion of streets) whether or not the prohibition, restriction, regulation, alteration or diversion constitutes street works within the meaning of that Act.

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

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

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

section 57(**f**) (notice of emergency works);

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

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(**h**) (inspection fees);

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

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

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

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

(7) Nothing in article 9 (construction and maintenance of new, altered or diverted streets and other structures)—

(a) affects the operation of section 87 (prospectively maintainable highways) of the 1991 Act, and the undertaker is not by reason of any duty under that article to maintain a street or to be taken to be the street authority in relation to that street for the purposes of Part 3 of that Act; or

(b) has effect in relation to street works to which the provisions of Part 3 of the 1991 Act apply.

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

9.—(1) Subject to paragraphs (6), (7) and (8), any highway (other than a trunk road or special road) to be constructed under this Order must be completed to the reasonable satisfaction of the local highway authority in whose area the highway lies and, unless otherwise agreed in writing with the local highway authority, the highway, including any culverts or other structures laid under it, must be maintained by and at the expense of the local highway authority from its completion.

(**a**) Section 78A was inserted by section 57 of the Traffic Management Act 2004.
(**b**) Schedule 3A was inserted by section 52(2) of, and Schedule 4 to, the Traffic Management Act 2004.
(**c**) Sections 54, 55, 57, 60, 68 and 69 were amended by section 40(1) and (2) of, and Schedule 1 to, the Traffic Management Act 2004.
(**d**) Section 54 was amended by section 49(1) of the Traffic Management Act 2004.
(**e**) Section 55 was amended by section 49(2) and 51(9) of the Traffic Management Act 2004.
(**f**) Section 57 was amended by section 52(3) of the Traffic Management Act 2004.
(**g**) Section 59 was amended by section 42 of the Traffic Management Act 2004.
(**h**) Section 75 was substituted by section 58(2) of the Traffic Management Act 2004.

(2) Subject to paragraphs (3), (6), (7) and (8), where a highway (other than a trunk road or special road) is altered or diverted under this Order, the altered or diverted part of the highway must be completed to the reasonable satisfaction of the local highway authority and, unless otherwise agreed in writing with the local highway authority, that part of the highway, including any culverts or other structures laid under it, must be maintained by and at the expense of the local highway authority from its completion.

(3) Subject to paragraphs (6), (7) and (8), where a footpath, bridleway or byway open to all traffic is altered or diverted under this Order along a vehicular private means of access, the altered or diverted part of the highway must, when completed to the reasonable satisfaction of the highway authority and unless otherwise agreed in writing, be maintained (including any culverts or other structures laid under that part of the highway) by and at the expense of the person or persons with the benefit of the vehicular private means of access.

(4) Where a street which is not, and is not intended to be, a public highway is constructed, altered or diverted under this Order, the street (or part of the street as the case may be) must, when completed to the reasonable satisfaction of the street authority, unless otherwise agreed in writing, be maintained by and at the expense of the undertaker for a period of 12 months from its completion and at the expiry of that period by and at the expense of the street authority.

(5) Subject to paragraphs (6), (7) and (8), where a highway is de-trunked under this Order—

(a) section 265(**a**) (transfer of property and liabilities upon a highway becoming or ceasing to be a trunk road) of the 1980 Act applies in respect of that highway; and

(b) any alterations to that highway undertaken under powers conferred by this Order prior to and in connection with that de-trunking must, unless otherwise agreed in writing with the local highway authority, be maintained by and at the expense of the local highway authority from the date of de-trunking.

(6) In the case of any bridge constructed under this Order to carry a highway other than a trunk road or special road over a trunk road or special road, the highway surface must from its completion be maintained by and at the expense of the local highway authority and the structure of the bridge must be maintained by and at the expense of the undertaker.

(7) In the case of any bridge constructed under this Order to carry a highway (other than a trunk road or special road) over another highway which is not a trunk road or a special road, both the highway surface and structure of the bridge must be maintained by and at the expense of the local highway authority from their completion.

(8) In the case of a bridge constructed under this Order to carry a private right of way (whether or not it also carries a footpath or bridleway), the surface of the street and the structure of the bridge must be maintained by and at the expense of the undertaker.

(9) In any action against the undertaker in respect of loss or damage resulting from any failure by the undertaker to maintain a street under this article, it is a defence (without affecting 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.

(10) For the purposes of a defence under paragraph (9), the court must in particular have regard to the following matters—

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

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

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

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

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(**a**) Section 265 was amended by section 146 of, and paragraph 45 of Schedule 3 to, the Road Traffic Regulation Act 1984 (c. 27) and section 57 of, and paragraph 52 of Schedule 1 to, the Infrastructure Act 2015 (c. 7).

(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.

Permanent stopping up of streets and private means of access

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

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

(a) the new street or private means of access to be constructed and substituted for it, which is specified in column (4) of those Parts of that Schedule, has been completed to the reasonable satisfaction of the street authority and is open for use; or

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

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

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

(a) the undertaker is in possession of the land; or

(b) there is no right of access to the land from the street or private means of access concerned; or

(c) there is a reasonably convenient access to the land otherwise than from the street or private means of access concerned; or

(d) the owners and occupiers of the land have agreed to the stopping up.

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

(a) all rights of way over or along the street or private means of access so stopped up are extinguished; and

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

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

(7) Following the opening for public use of a public right of way that has been constructed, permanently altered or permanently diverted under the powers conferred by this article the

undertaker must supply the surveying authority with plans showing that public right of way as constructed, permanently altered or permanently diverted together with a statement of the modifications required to the definitive statement.

(8) The plans and statement of modifications to the definitive statement referred to in paragraph (7) are deemed to be an order modifying the definitive map and statement made under section 53(3)(a) (duty to keep definitive map and statement under continuous review) of the Wildlife and Countryside Act 1981(**a**).

(9) This article is subject to article 32 (apparatus and rights of statutory undertakers in stopped up streets).

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

Temporary prohibition, restriction or regulation of use or alteration or diversion of streets

11.—(1) The undertaker may, during and for the purposes of constructing the authorised development, temporarily prohibit, restrict or regulate the use of, or temporarily alter or divert any street and may for any reasonable time—

(a) divert the traffic from the street; and

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

(2) Without limitation on the scope of paragraph (1), the undertaker may use any street temporarily prohibited, restricted, regulated, altered or diverted under the powers conferred by this article and 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, regulation, alteration or diversion of a street under this article if there would otherwise be no such access.

(4) The undertaker must not temporarily prohibit, restrict or regulate the use of or alter or divert 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 its consent must not be unreasonably withheld or delayed.

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

Access to works

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

Discharge of water

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

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

(**a**) 1981 c. 69. Section 53(3)(a) was amended by section 51 of, and paragraph 1(1) and (3) of Schedule 5 to, the Countryside and Rights of Way Act 2000 (c. 37).

(**b**) The definition of "surveying authority" was substituted by section 7 of, and paragraph 7 of Schedule 3 to, the Local Government Act 1985 (c. 51). There are other amendments to section 66(1) that are not relevant to this Order.

(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.

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

(a) in accordance with plans approved by the person to whom the sewer or drain belongs; and

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

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

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

(7) In this article—

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

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

Protective works to buildings

14.—(1) Subject to the following provisions of this article, the undertaker may at the undertaker's own expense carry out such protective works to any building lying within the Order limits or 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) Subject to paragraph (5), 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) Subject to paragraphs (5) and (6), for the purpose of carrying out protective works to a building under this article the undertaker may—

(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 (whether or not such adjacent land is inside or outside the Order limits) but not any building erected on it,

and if it reasonably requires, the undertaker may take possession, or exclusive possession, of the building and any land or part thereof for the purpose of carrying out the protective works.

(5) Before exercising—

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

(**a**) 1991 c. 56. Section 106 was amended by section 35(1) and (8), 43(2) and 56(7) of, and Schedule 2 to, the Competition and Service (Utilities) Act 1992 (c. 43), sections 36(2) and 99 of the Water Act 2003 (c. 37) and section 32 of, and paragraph 16(1) of Schedule 3 to, the Flood and Water Management Act 2010 (c. 29).
(**b**) S.I. 2016/1154.
(**c**) 1991 c. 57.

(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), (5)(c) or (5)(d), the owner or occupier of the building or land concerned may, by serving a counter-notice within the period of 10 days beginning with the day on which the notice was served, require the question of 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 51 (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) Subject to article 39 (no double recovery) nothing in this article relieves the undertaker from any liability to pay compensation under section 152(**a**) (compensation in case where no right to claim in nuisance) of the 2008 Act.

(10) Section 13(**b**) (refusal to give possession to acquiring authority) of the 1965 Act applies to the entry onto 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(**c**) (application of compulsory acquisition provisions) of the 2008 Act.

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

(12) In this article "protective works" in relation to a building means—

(a) underpinning, strengthening and any other works the purpose of which is to prevent damage which may be caused to the building by the construction, maintenance or use of the authorised development; and

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

Authority to survey and investigate land

15.—(1) The undertaker may for the purposes of the construction, operation or maintenance of the authorised development enter on—

(a) any land shown within the Order limits; and

(b) where reasonably necessary, any land which is adjacent to, but outside the Order limits

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(**a**) Section 152 was amended by S.I.2009/1307.
(**b**) 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).
(**c**) Section 125 was amended by section 190 of, and paragraph 17 of Schedule 16 to, the Housing and Planning Act 2016 (c. 22).

and—

(i) survey or investigate the land (including any watercourses, groundwater, static water bodies or vegetation on the land);

(ii) without limitation on the scope of sub-paragraph (i), make any excavations or trial holes and boreholes in such positions on the land as the undertaker thinks fit to investigate the nature of the surface layer, subsoil and groundwater and remove soil and water samples and discharge water from sampling operations on to the land;

(iii) without limitation on the scope of sub-paragraph (i), carry out ecological or archaeological investigations on such land, including making any excavations or trial holes on the land for such purposes; and

(iv) 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 and boreholes.

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

(3) The notice required under paragraph (2) must indicate the nature of the survey or investigation that the undertaker intends to carry out.

(4) 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 authority to do so; and

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

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

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

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

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

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

Removal of human remains

16.—(1) In this article—

"the burial authority" means the burial authority for the specified land from which the relevant human remains are to be removed, being Westmorland and Furness Council or the North Yorkshire Council, or any successor to their functions; and

"the specified land" means any land within the Order limits.

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

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

(a) publishing a notice once in each of two successive weeks in a newspaper circulating in the area of the specified land; and

(b) displaying a notice in a conspicuous place on or near to the specified land.

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

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

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

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

(b) removed to, and cremated in, any crematorium,

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

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

(8) The undertaker must pay the reasonable expenses of removing and re-interring or cremating the remains of any deceased person under this article.

(9) If—

(a) within the period of 56 days referred to in paragraph (5) no notice under that paragraph has been given to the undertaker in respect of any remains in the specified land;

(b) such notice is given and no application is made under paragraph (7) within 56 days after the giving of the notice but the person who gave the notice fails to remove the remains within a further period of 56 days;

(c) within 56 days after any order is made by the county court under paragraph (7) any person, other than the undertaker, specified in the order fails to remove the remains; or

(d) it is determined that the remains to which any such notice relates cannot be identified,

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

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

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

(a) a certificate of re-interment or cremation must be sent to the Registrar General by the undertaker giving the date of re-interment or cremation and identifying the place from which the remains were removed and the place in which they were re-interred or cremated; and

(b) a copy of the certificate of re-interment or cremation and the record mentioned in paragraph (9) must be sent by the undertaker to the burial authority.

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

(a) that the remains were interred more than 100 years ago; and

(b) that no relative or personal representative of the deceased is likely to object to the remains being removed in accordance with this article.

(13) In the case of remains in relation to which paragraph (12) applies, the undertaker—

(a) may remove the remains;

(b) must apply for direction from the Secretary of State under paragraph (15) as to their subsequent treatment; and

(c) must deal with the remains in such manner, and subject to such conditions, as the Secretary of State directs.

(14) In this article—

(a) references to a relative of the deceased are to a person who—

(i) is a husband, wife, civil partner, parent, grandparent, child or grandchild of the deceased; or

(ii) is, or is a child of, a brother, sister, uncle or aunt of the deceased; and

(b) references to a personal representative of the deceased are to a person or persons who—

(i) is the lawful executor of the estate of the deceased; or

(ii) is the lawful administrator of the estate of the deceased.

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

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

(17) Section 25 (offence of removal of body from burial ground) of the Burial Act 1857(**a**) is not applied to a removal carried out in accordance with this article.

(18) Section 239 (use and development of burial grounds) of the 1990 Act applies—

(a) in relation to land, other than a right over land, acquired for the purposes of the authorised development (whether or not by agreement), so as to permit use by the undertaker in accordance with the provisions of this Order; and

(b) in relation to a right over land so acquired (whether or not by agreement), or the temporary use of land pursuant to articles 29 (temporary use of land for constructing the authorised development) or 30 (temporary use of land for maintaining the authorised development), so as to permit the exercise of that right or the temporary use of land by the undertaker in accordance with the provisions of this Order,

and in section 240(1) (provisions supplemental to ss.238 and 239) of the 1990 Act reference to "regulations made for the purposes of sections 238(3) and (4) and 239(2)" means, so far as applicable to land or a right over land acquired under this Order, paragraphs (2) to (16) of this article and section 240(3) of the 1990 Act reference to a "statutory undertaker" includes the undertaker and reference to "any other enactment" includes this Order.

(19) The Town and Country Planning (Churches, Places of Religious Worship and Burial Grounds) Regulations 1950(**b**) do not apply to the authorised development.

Felling or lopping of trees and hedgerows

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

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

(**a**) 1857 c. 81. Section 25 was substituted by section 2 of the Church of England (Miscellaneous Provisions) Measure 2014 (No. 1) and amended by section 96(1) of, and paragraph 1 of Schedule 3 to, the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3).

(**b**) S.I. 1950/792.

(b) from constituting a danger to persons using the authorised development.

(2) Without prejudice to the generality of paragraph (1) the undertaker may, for the purposes of the construction of the authorised development, in relation to the trees identified in columns (1), (2) and (3) of Schedule 3 (trees subject to tree preservation orders) carry out the corresponding works described in column (4).

(3) In carrying out any activity authorised by paragraph (1) or (2) 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.

(4) Where works to a tree are authorised by paragraph (1) or (2) and a tree preservation order is in force in relation to that tree—

(a) written consent for the works is deemed to have been granted by a local planning authority having functions under the tree preservation order; and

(b) the duty imposed by section 206(1)(**a**) (replacement of trees) of the 1990 Act does not apply.

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

(6) The undertaker may, for the purposes of constructing, maintaining or operating the authorised development but subject to paragraph (3), remove any hedgerow within the Order limits that is required to be removed.

(7) In this article "hedgerow" includes a hedgerow to which the Hedgerow Regulations 1997(**b**) apply and includes important hedgerows.

Maintenance of drainage works

18.—(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(**c**).

PART 3

POWERS OF ACQUISITION AND POSSESSION OF LAND

Powers of acquisition

Compulsory acquisition of land

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

(2) This article is subject to article 22 (compulsory acquisition of rights and restrictive covenants), article 27 (acquisition of subsoil, etc., only) and article 29 (temporary use of land for constructing the authorised development).

(**a**) Section 206(1) was amended by section 192 of, and paragraph 11 of Schedule 8 to, the Planning Act 2008 (c. 29).
(**b**) S.I. 1997/1160.
(**c**) 1991 c. 59. The definition of "drainage" was substituted by section 100(2) of the Environment Act 1995 (c. 25).

Compulsory acquisition of land – incorporation of the minerals code

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

(a) paragraph 8(3) is not incorporated; and

(b) for "the acquiring authority" substitute "the undertaker".

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

21.—(1) After the end of the period of five years beginning with the day on which this Order comes into force—

(a) no notice to treat is to be served under Part 1 (compulsory purchase under Acquisition of Land Act of 1946) of the 1965 Act as modified by article 25 (modification of Part 1 of the 1965 Act); and

(b) no declaration is to be executed under section 4 (execution of declaration) of the 1981 Act as applied by article 26 (application of the 1981 Act),

in relation to any part of the Order land.

(2) The authority conferred by article 29 (temporary use of land for constructing the authorised development) ceases at the end of the period referred to in paragraph (1) except that nothing in this paragraph prevents the undertaker from remaining in possession of land after the end of that period, if the land was entered and possession was taken before the end of that period.

Compulsory acquisition of rights and restrictive covenants

22.—(1) Subject to the following paragraphs of this article, the undertaker may acquire such rights over the Order land or impose such restrictive covenants affecting the Order land as may be required for any purpose for which that land may be acquired under article 19 (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 columns (1) and (2) of Schedule 4 (land in which only new rights etc., may be acquired) the undertaker's powers of compulsory acquisition under paragraph (1) are limited to the acquisition of such wayleaves, easements, new rights over the land or the imposition of such restrictive covenants as the undertaker may require for or in connection with the authorised development for the purposes specified in column (3) of Schedule 4 in relation to that land.

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

(4) Schedule 5 has effect for the purpose of modifying the enactments relating to compensation and the provisions of the 1965 Act in their application 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

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

(**a**) Section 8 was amended by paragraphs 1 and 2 of Schedule 17 to, the Housing and Planning Act 2016 (c. 22) and S.I. 2009/1307.

(**b**) Schedule 2A was inserted by paragraphs 1 and 3 of Schedule 17 to the Housing and Planning Act 2016.

(a) from the date of acquisition of the land by the undertaker, whether compulsorily or by agreement; or

(b) on the date of entry onto the land by the undertaker under section 11(1)(**a**) (powers of entry) of the 1965 Act,

whichever is the earlier.

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

(a) from the date of the acquisition of the right or the benefit of the restrictive covenant by the undertaker, whether compulsorily or by agreement; or

(b) on the date of entry onto the land by the undertaker under section 11(1) of the 1965 Act, or

(c) on commencement of any activity authorised by the Order which interferes with or breaches those rights,

whichever is the earlier.

(3) 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.

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

(5) This article does not apply in relation to any right to which section 138(**c**) (extinguishment of rights, and removal of apparatus, of statutory undertakers etc.) of the 2008 Act or article 31 (statutory undertakers) applies.

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

(a) any notice given by the undertaker before—

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

(ii) the undertaker's appropriation of it;

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

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

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

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

(7) If any such agreement as is referred to in paragraph (6)(b)—

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

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

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

(**a**) Section 11(1) was amended by section 34(1) of, and Schedule 4 to, the Acquisition of Land Act 1981 (c. 67), section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), section 186(1) and (2) of the Housing and Planning Act 2016 and S.I. 2009/1307.

(**b**) Section 152 was amended by S.I. 2009/1307.

(**c**) Section 138 was amended by section 23(1) and (4) of the Growth and Infrastructure Act 2013 (c. 27) and S.I. 2017/1285.

(8) References in this article to private rights over land include any right of way, 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.

Power to override easements and other rights

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

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

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

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

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

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

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

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

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

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

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

(b) fails to discharge that liability,

the liability is enforceable against the undertaker.

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

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

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

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

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

Modification of Part 1 of the 1965 Act

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

(2) In section 4A(1)(**b**) (extension of time limit during challenge) for "section 23 of the Acquisition of Land Act 1981 (application to High Court in respect of compulsory purchase order), the three year period mentioned in section 4" substitute "section 118(**c**) (legal challenges

(**a**) Section 125 was amended by section 190 of, and paragraph 17 of Schedule 16 to, the Housing and Planning Act 2016 (c. 22).
(**b**) Section 4A was inserted by section 202(1) of the Housing and Planning Act 2016.
(**c**) Section 118 was amended by paragraphs 1 and 59 of Schedule 13, and Part 20 of Schedule 25 to, the Localism Act 2011 (c. 20) and section 92(4) of the Criminal Justice and Courts Act 2015 (c. 2).

relating to applications for orders granting development consent) of the Planning Act 2008, the 5 year period mentioned in article 21 (time limit for exercise of powers to possess land temporarily or to acquire land compulsorily) of the A66 Northern Trans-Pennine Development Consent Order 2024".

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

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

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

(4) In 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 21 (time limit for exercise of powers to possess land temporarily or to acquire land compulsorily) of the A66 Northern Trans-Pennine Development Consent Order 2024".

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

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

"(2) But see article 27(4) (acquisition of subsoil, etc., only) of the A66 Northern Trans-Pennine Development Consent Order 2024, which excludes the acquisition of subsoil or airspace only from this Schedule."; and

(b) after paragraph 29, insert—

"PART 4

INTERPRETATION

30. In this Schedule, references to entering on and taking possession of land do not include doing so under articles 14 (protective works to buildings), 15 (authority to survey and investigate land), 29 (temporary use of land for constructing the authorised development) or 30 (temporary use of land for maintaining the authorised development) of the A66 Northern Trans-Pennine Development Consent Order 2024.".

Application of the 1981 Act

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

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

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

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

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

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

(6) In section 5B(**e**) (extension of time limit during challenge) for "section 23 of the Acquisition of Land Act 1981 (application to High Court in respect of compulsory purchase order), the three year period mentioned in section 5A" substitute "section 118(**f**) (legal challenges relating to applications for orders granting development consent) of the Planning Act 2008, the 5 year period mentioned in article 21 (time limit for exercise of powers to possess land temporarily or to acquire land compulsorily) of the A66 Northern Trans-Pennine Development Consent Order 2024".

(**a**) Section 11A was inserted by section 186(3) of the Housing and Planning Act 2016.
(**b**) Schedule 2A was inserted by section 199(1) of, and paragraphs 1 and 3 of Schedule 17 to, the Housing and Planning Act 2016.
(**c**) Section 5 was amended by section 183 of, and paragraphs 4 and 6 of Schedule 15 to, the Housing and Planning Act 2016.
(**d**) Section 5A was inserted by section 182(2) of the Housing and Planning Act 2016.
(**e**) Section 5B was inserted by section 202(2) of the Housing and Planning Act 2016.
(**f**) Section 118 was amended by paragraphs 1 and 59 of Schedule 13, and Part 20 of Schedule 25, to the Localism Act 2011 (c. 20) and section 92(4) of the Criminal Justice and Courts Act 2015 (c. 2).

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

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

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

> "(2) But see article 27(4) (acquisition of subsoil, etc., only) of the A66 Northern Trans-Pennine Development Consent Order 2024, which excludes the acquisition of subsoil or airspace only from this Schedule.".

(10) References to the 1965 Act in the 1981 Act are to be construed as references to the 1965 Act as applied by section 125 (application of compulsory acquisition provisions) of the 2008 Act (and as modified by article 25 (modification of Part 1 of the 1965 Act)) to the compulsory acquisition of land under this Order.

Acquisition of subsoil, etc., only

27.—(1) The undertaker may acquire compulsorily so much of, or such rights over, the subsoil of and airspace over the land referred to in paragraph (1) of article 19 (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 over, the subsoil or surface of or airspace over land referred to in paragraph (1), the undertaker is not required to acquire an interest in any other part of the land.

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

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

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

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

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

Rights over or under streets

28.—(1) The undertaker may enter on, appropriate and use 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 or for 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

(**a**) Section 6 was amended by section 4 of, and paragraph 52(2) of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c. 11) and paragraph 7 of Schedule 15 to the Housing and Planning Act 2016.
(**b**) Section 134 was amended by section 142 of, and Part 21 of Schedule 25 to, the Localism Act 2011 and S.I. 2017/16.
(**c**) Section 7 was substituted by paragraphs 1 and 3 of Schedule 18 to the Housing and Planning Act 2016.
(**d**) Schedule A1 was inserted by paragraphs 1 and 6 of Schedule 18 to the Housing and Planning Act 2016.
(**e**) Section 153(4A) was inserted by section 200(1) and (2) of the Housing and Planning Act 2016.

(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 land, and who suffers loss as a result, is entitled to compensation to be determined, in case of dispute, as if it were a dispute under Part 1 (determination of questions of disputed compensation) of the 1961 Act.

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

Temporary possession of land

Temporary use of land for constructing the authorised development

29.—(1) The undertaker may, in connection with the construction of the authorised development but subject to article 21 (time limit for exercise of powers to possess land temporarily or to acquire land compulsorily)—

(a) enter on and take temporary possession of—

(i) the land specified in columns (1) and (2) of Schedule 6 (land of which only temporary possession may be taken) for the purpose specified in relation to that land in column (3) of that Schedule relating to the part of the authorised development specified in column (4) of that Schedule; and

(ii) any of the Order land in respect of which no notice of entry has been served under section 11(**a**) (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(**b**) (execution of declaration) of the 1981 Act;

(b) remove any buildings and vegetation from that land referred to in sub-paragraph (a);

(c) construct temporary works (including the provision of means of access) and buildings on the land referred to in sub-paragraph (a); and

(d) construct any works on the land referred to in sub-paragraph (a) as are mentioned in Schedule 1 (authorised development).

(2) Not less than 14 days before entering on and taking temporary possession of land under this article the undertaker must serve notice of the intended entry on the owners and occupiers of the land and explain the purpose for which entry is proposed to be taken in respect of land specified under paragraph (1)(a)(ii).

(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 any land specified in paragraph (1)(a)(i), after the end of the period of one year beginning with the date of completion of the part of the authorised development specified in relation to that land in column (4) of Schedule 6; 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, use of facilities, or other purpose, for which temporary possession of the land was taken unless the undertaker has, by the end of that period, served a notice of entry under section 11 (powers of entry) of the 1965

(**a**) Section 11 was amended by section 34(1) of, and paragraph 14(3) of Schedule 4 of, the Acquisition of Land Act 1981 (c. 67), section 3 of, and Part 1 of Schedule 1 to, the Housing (Consequential Provisions) Act 1985 (c. 71), section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), sections 186, 187 and 188 of, and paragraph 6 of Schedule 14 and paragraph 3 of Schedule 16 to, the Housing and Planning Act 2016 and S.I. 2009/1307.

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

Act or made a declaration under section 4 (execution of declaration) of the 1981 Act in relation to that land.

(4) Before giving up possession of land of which temporary possession has been taken under this article, the undertaker must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land or return the land in such condition as is agreed with the owner 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) remove any ground strengthening works which have been placed on the land to facilitate construction of the authorised development; or

(d) 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 as if it were a dispute under Part 1 (determination of questions of disputed compensation) of the 1961 Act.

(7) Subject to article 39 (no double recovery), nothing in this article affects any liability to pay compensation under section 152 (compensation in case where no right to claim in nuisance) of the 2008 Act or under any other enactment in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under paragraph (5).

(8) The undertaker may not compulsorily acquire under this Order the land referred to in paragraph (1)(a)(i).

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

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

Temporary use of land for maintaining the authorised development

30.—(1) Subject to paragraph (3), at any time during the maintenance period relating to any of the authorised development, the undertaker may—

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

(b) enter on any land within the Order limits for the purpose of gaining such access as is reasonably required for the purpose of maintaining the authorised development; and

(c) construct such temporary works (including the provision of means of access) and buildings on the land as may be reasonably necessary for that purpose.

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

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

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

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

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

the land and that notice must state the purpose for which the undertaker intends to take possession of the land including the particulars of the part of the authorised development for which possession is to be taken.

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

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

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

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

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

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

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

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

(a) that part of the authorised development is first opened for public use (where that part of the authorised development is intended to be used by the public); or

(b) in respect of any other part of the authorised development, that part is first brought into operational use by the undertaker.

Supplementary

Statutory undertakers

31.—(1) Subject to the provisions of article 22(2) (compulsory acquisition of rights and restrictive covenants), Schedule 9 (protective provisions) and paragraph (2), the undertaker may—

(a) exercise the powers conferred by article 19 (compulsory acquisition of land) and article 22 (compulsory acquisition of rights and restrictive covenants) in relation to so much of the Order land belonging to statutory undertakers; and

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

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

(a) Part 3 (street works in England and Wales) of the 1991 Act; or

(b) article 32 (apparatus and rights of statutory undertakers in stopped up streets).

Apparatus and rights of statutory undertakers in stopped up streets

32.—(1) Where a street is stopped up under article 10 (permanent stopping up 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 10 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 statutory 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 statutory 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 statutory 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 (street works in England and Wales) of the 1991 Act, but instead—

(a) the allowable costs of the relocation works are to be determined in accordance with section 85 (sharing of cost of necessary measures) of that Act and any regulations for the time being having effect under that section; and

(b) the allowable costs are to be borne by the undertaker and the statutory utility in such proportions as may be prescribed by any such regulations.

(8) In this article—

"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) (interpretation of chapter 1) of the Communications Act 2003.

Recovery of costs of new connection

33.—(1) Where any apparatus of a public utility undertaker or of a public communications provider is removed under article 31 (statutory undertakers) any person who is the owner or occupier of premises to which a supply was given from that apparatus is entitled to recover from the undertaker compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of effecting a connection between the premises and any other apparatus from which a supply is given.

(2) Paragraph (1) does not apply in the case of the removal of a public sewer but where such sewer is removed under article 31, 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 32 (apparatus and rights of statutory undertakers in stopped up streets) or Part 3 (street works in England and Wales) of the 1991 Act applies.

(4) In this article—

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

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

Special category land

34.—(1) On the exercise by the undertaker of the relevant Order powers, the special category land is not to vest in the undertaker until the undertaker has acquired the replacement land and the Secretary of State (in consultation with the relevant planning authority) has approved a scheme for the provision of the replacement land and the relevant planning authority has certified that the scheme has been implemented to its satisfaction.

(2) On the requirements of paragraph (1) being satisfied—

(a) the special category land is to vest in the undertaker and be discharged from all rights, trusts and incidents to which it was previously subject; and

(b) the replacement land is to vest, subject to the same rights, trusts and incidents as attached to the special category land, as follows—

(i) in relation to the scheme 0102 special category, in any person in whom the special category land was vested immediately before it was vested in the undertaker; and

(ii) in relation to the scheme 06 special category land and the scheme 07 special category land, in the relevant planning authority.

(3) In this article—

"the relevant Order powers" means the powers exercisable over the special category land by the undertaker under article 19 (compulsory acquisition of land) or article 22 (compulsory acquisition of rights and restrictive covenants);

"the special category land" means—

(i) the land within the Order limits for scheme 0102 identified as comprising open space and being numbered 0102-01-32, 0102-01-47, 0102-02-01, 0102-02-08 and 0102-02-22 in the book of reference for scheme 0102 and shown on the special category land plans for scheme 0102 ("the scheme 0102 special category land");

(ii) the land within the Order limits for scheme 06 identified as comprising common land and being numbered 06-01-04, 06-01-05, 06-01-10, 06-01-44, 06-01-45 and 06-01-46 in the book of reference for scheme 06 and shown on the special category land plans for scheme 06 ("the scheme 06 special category land"); and

(iii) the land within the Order limits for scheme 07 identified as comprising common land and being numbered 07-01-48, 07-01-51, 07-01-53, 07-01-61, 07-01-63, 07-01-64, 07-01-75, 07-01-76, 07-01-86, 07-01-87, 07-01-89 and 07-01-94 in the book of reference for scheme 07 and on the special category land plans for scheme 07 ("the scheme 07 special category land"); and

"the replacement land" means—

(i) for the scheme 0102 special category land, the land identified as replacement land and numbered 0102-02-20 in the book of reference for scheme 0102 and shown on the special category land plans for scheme 0102;

(ii) for the scheme 06 special category land (common land), the land identified as replacement land and numbered 06-01-39 in the book of reference for scheme 06 and shown on the special category land plans for scheme 06; and

(iii) for the scheme 07 special category land, the land identified as replacement land and numbered 07-01-25 in the book of reference for scheme 07 and shown on the special category land plans for scheme 07.

Crown rights

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

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

(b) belonging to His Majesty in right of the Crown and forming part of the Crown Estate without the consent in writing of the government department having the management of that land; or

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

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

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

Relocation of Brough Hill Fair

36.—(1) Subject to paragraph (8), the undertaker must not take exclusive possession of any part of the existing Brough Hill Fair site for the purposes of constructing the authorised development until the Secretary of State has—

(a) approved a scheme prepared by the undertaker for the provision of the replacement Brough Hill Fair site; and

(b) certified that—

(i) the approved scheme has been satisfactorily implemented by or on behalf of the undertaker; and

(ii) the replacement Brough Hill Fair site is suitable and available for use by the persons who enjoy the Brough Hill Fair rights.

(2) The scheme for the provision of the replacement Brough Hill Fair site mentioned in paragraph (1) must—

(a) provide for the replacement Brough Hill Fair site to be laid out such that it is a suitable replacement for the existing Brough Hill Fair site, in terms of—

(i) including facilities that are at least as equivalent to those of the existing Brough Hill Fair site at the time this Order came into force;

(ii) making appropriate provision for safe access to and from the replacement Brough Hill Fair site for vehicles, horses and persons;

(iii) making appropriate provision for the treatment of the boundaries of the replacement Brough Hill Fair site, to secure the safe use and enjoyment of the site and having regard to the use and amenity of adjacent land; and

(iv) setting out the arrangements for maintenance and management of the facilities, access and boundaries mentioned in paragraphs (i) to (iii) above, having regard in particular to safety and security considerations; and

(b) be prepared by the undertaker following consultation with—

(i) such persons as the undertaker reasonably considers represents the interests of the persons who enjoy the Brough Hill Fair rights;

(ii) the owners and occupiers of land adjacent to the replacement Brough Hill Fair site;

(iii) the relevant planning authority; and

(iv) the local highway authority.

(3) The Secretary of State requires a consultation report to be submitted together with the prepared scheme prior to its approval pursuant to paragraph (1)(a) and a consultation report and arrangements detailing the implementation of the approved scheme prior to its certification pursuant to paragraph (1)(b).

(4) The Secretary of State may undertake his own consultation if he regards it to be appropriate with the parties referred to in paragraph (2)(b) and such other parties as he considers appropriate.

(5) The Secretary of State requires the undertaker to provide independent verification that the arrangements for the implementation for the approved scheme have been effectively undertaken in accordance with paragraph (1)(b) before the scheme is certified by the Secretary of State; and the cost of the independent verification is to be borne by the undertaker.

(6) Immediately on taking exclusive possession of the existing Brough Hill Fair site for the purposes of constructing the authorised development—

(a) the Brough Hill Fair rights vest in the replacement Brough Hill Fair site; and

(b) the existing Brough Hill Fair site is released from the Brough Hill Fair rights.

(7) As soon as is reasonably practicable after taking exclusive possession of the existing Brough Hill Fair site for the purposes of constructing the authorised development, the undertaker must—

(a) publish in a locally circulating newspaper a notice confirming the date on which the Brough Hill Fair rights vested in the replacement Brough Hill Fair site and the existing Brough Hill Fair site was released from the Brough Hill Fair rights; and

(b) notify such persons as the undertaker reasonably considers represent the interests of the persons who enjoy the Brough Hill Fair rights.

(8) Nothing in paragraph (1) prohibits the undertaker from taking exclusive possession of any part of the existing Brough Hill Fair site for the purposes of implementing a scheme approved under that paragraph.

(9) The scheme approved by the Secretary of State under paragraph (1)(a) may be modified by the undertaker before it has been implemented in full, and if it is then paragraphs (1) to (2) apply to the preparation, approval and implementation of the modified scheme.

(10) The transfer of the Brough Hill Fair rights to the replacement Brough Hill Fair site by virtue of paragraph (6) is not to be regarded, in any claim or legal proceedings relating to the nature and extent of the Brough Hill Fair rights, as resulting in any interruption to the enjoyment of those rights.

(11) In this article—

"the Brough Hill Fair rights" means any and all customary rights, prescriptive rights, rights derived from royal charter and public rights, that relate to the event known as the Brough Hill Fair that do or may subsist immediately before the Brough Hill Fair rights are transferred to the replacement Brough Hill Fair site in accordance with the provisions of this article;

"the consultation report" means the report containing the responses of the parties referred to in paragraph (2)(b) and setting out the position as agreed between the undertaker and those parties, and in the event of disagreement the provisions of article 51 (arbitration) are to apply.

"the existing Brough Hill Fair site" means the land described in the book of reference for scheme 06 and shown on the land plans for scheme 06 that is numbered 06-04-43 and 06-05-06; and

"the replacement Brough Hill Fair site" means the land in the book of reference for scheme 06 and shown on the land plans for scheme 06 that is—

(a) numbered 06-04-32 and 06-04-33; and

(b) numbered 06-04-43 but only so much of it (approximately 4,000 square metres) as is included in the scheme certified under paragraph (1)(b).

Compensation

Disregard of certain interests and improvements

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

(a) any interest in land; or

(b) any enhancement of the value of any interest in land by reason of any building erected, works carried out or improvement or alteration made on the relevant land,

if the tribunal is satisfied that the creation of the interest, the erection of the building, the carrying out of the works or the making of the improvement or alteration as part of the authorised development was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

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

Set-off for enhancement in value of retained land

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

(2) In assessing the compensation payable to any person in respect of the acquisition from that person of any new rights over land (including the subsoil) under article 22 (compulsory acquisition of rights and restrictive covenants), the tribunal must set off against the value of the rights so acquired—

(a) any increase in the value of the land over which the new rights are required; and

(b) any increase in value of any contiguous or adjacent land belonging to that person in the same capacity,

which will accrue to that person by reason of the construction of the authorised development.

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

No double recovery

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

PART 4

OPERATIONAL PROVISIONS

Classification of roads, etc.

40.—(1) From the date on which the roads described in the paragraphs of Schedule 7 (classification of roads, etc.) and listed in column (1) of the table below are completed and open for traffic, those roads with the corresponding classification in column (2) of that table that are described as—

(a) special roads, are to become special roads as if they had become so by virtue of an order made under section 16(3) (general provision as to special roads) of the 1980 Act specifying that date as the date on which they were to become special roads;

(b) trunk roads, are to become trunk roads as if they had become so by virtue of an order made under section 10(2)(**a**) (general provision as to trunk roads) of the 1980 Act specifying that date as the date on which they were to become trunk roads;

(c) classified roads, are to be classified as set out in that Part and are to be a classified road for the purpose of any enactment or instrument which refers to highways classed 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;

(d) unclassified roads, are to be unclassified; and

(e) a quiet lane, is to become a quiet lane as if it had been designated as a quiet lane by virtue of section 268(1) (quiet lanes and home zones) of the Transport Act 2000(**b**).

Table referred to in paragraph (1)

(1) *Paragraphs of Schedule 7 in which the road to be classified in accordance with the provisions of this article is described*	*(2)* *Classification of roads*
2, 3, 4 and 5	Special roads
1, 7, 8, 9, 10, 16, 17, 18, 19, 24, 25, 26, 27, 28, 29, 30, 50, 51, 53, 62, 63, 64, 65, 66, 67, 72, 73, 74, 79, 80, 81, 83, 88, 89, 92 and 93	Trunk roads
6, 11, 12, 13, 14, 20, 31, 32, 33, 34, 35, 36, 37, 38, 52, 54, 55, 56, 58, 75, 82, 90 and 91	Classified roads
21, 22, 39, 40, 41, 42, 43, 44, 45, 46, 47, 57, 59,	Unclassified roads

(**a**) Section 10(2) was amended by section 22(2)(a) of the New Roads and Street Works Act 1991 (c. 22) and by section 1(6) of, and paragraphs 1 and 10(1) and (2) of Schedule 1 to, the Infrastructure Act 2015 (c. 7).
(**b**) 2000 c. 38.

68, 69, 70, 76, 77, 78 and 94	
48	Quiet lane

(2) Subject to paragraphs (3) and (4), the undertaker may vary the classification or designation of the roads, or any part of those roads, provided for in paragraph (1) and such variation may provide for any trunk road comprised in the authorised development and referred to in paragraph (1)(a) to be classified as a special road.

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

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

(b) published a notice, declaring the date on which that road or part of it is to be classified not less than 7 days before that date, in at least one local newspaper circulating in the area in which the road, or as the case may be, the relevant part of it is situated and in the London Gazette.

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

(5) Any roads classified as a special road in accordance with paragraph (1) are to be—

(a) classified as special roads for the purpose of any enactment or instrument which refers to highways classified as special roads; and

(b) provided for the use of traffic of Classes I and II of the classes of traffic set out in Schedule 4 (classes of traffic for purposes of special roads) to the 1980 Act.

(6) On any such days as the undertaker may determine, unless otherwise agreed in writing with the local highway authority, the roads described in paragraphs 15, 23, 49, 60, 61, 71, 84, 85, 86, 87, 95 and 1~~96~~ of Schedule 7 are to cease to be trunk roads as if they had ceased to be trunk roads by virtue of an order made under section 10(2) of the 1980 Act specifying that date as the date on which they were to cease to be trunk roads.

(7) 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.

Clearways

41.—(1) From such day or days as the undertaker may determine, except as provided in paragraph (2) below, no person is to cause or permit any vehicle to wait on any part of the lengths of road described in column (2) of any of the tables headed "traffic regulation measures (clearways and prohibitions) contained in Schedule 8 (traffic regulation measures etc.) where it is identified that such lengths of road are to become a clearway in the corresponding row of column (3) of that table, except upon the direction of, or with the permission of, a uniformed constable or uniformed traffic officer.

(2) Nothing in paragraph (1) applies—

(a) to render it unlawful to cause or permit a vehicle to wait on any part of a road, for so long as may be necessary to enable that vehicle to be used in connection with—

(i) the removal of any obstruction to traffic;

(ii) the maintenance, improvement, reconstruction or operation of the road;

(iii) the laying, erection, inspection, maintenance, alteration, repair, renewal or removal in or near the road of any sewer, main pipe, conduit, wire, cable or other apparatus for the supply of gas, water, electricity or any electronic communications apparatus

as defined in Schedule 3A (the electronic communications code) to the Communications Act 2003(**a**); or

(iv) any building operation or demolition;

(b) in relation to a vehicle being used—

(i) for police, ambulance, fire and rescue authority or traffic officer purposes;

(ii) in the service of a local authority, safety camera partnership or Driver and Vehicle Standards Agency in pursuance of statutory powers or duties;

(iii) in the service of a water or sewerage undertaker within the meaning of the Water Industry Act 1991(**b**); or

(iv) by a universal service provider for the purposes of providing a universal postal service as defined by the Postal Service Act 2000(**c**); or

(c) in relation to a vehicle waiting when the person in control of it is—

(i) required by law to stop;

(ii) obliged to stop in order to avoid an accident; or

(iii) prevented from proceeding by circumstances outside the person's control.

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

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

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

Traffic regulation measures

42.—(1) Subject to the provisions of this article, and from any such day or days as the undertaker may determine—

(a) no person is to drive any motor vehicle at a speed exceeding the limit in miles per hour specified in column (3) of any of the tables headed "speed limits" contained in Schedule 8 (traffic regulation measures etc.) along the lengths of road identified in the corresponding row of column (2) of that table;

(b) subject to paragraph (2) and article 41 (clearways), the restrictions (other than clearways) specified in column (3) of any of the tables headed "traffic regulation measures" (clearways and prohibitions) contained in Schedule 8 is to apply to the length of road identified in the corresponding row of column (2) of that table; and

(c) the orders specified in column (3) of any of the tables headed "revocations and variations of existing traffic regulation orders" contained in Schedule 8 are to be varied or revoked as specified in the corresponding row of column (4) of that table in respect of the lengths of roads specified in the corresponding row of column (2) of that table.

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

(3) Without limiting the scope of the specific powers conferred by paragraph (1) but subject to the provisions of this article and consent of the traffic authority in whose area the road concerned

(**a**) 2003 c. 21. Schedule 3A was inserted by section 4(2) of, and Schedule 1 to, the Digital Economy Act 2017 (c. 30).
(**b**) 1991 c. 56.
(**c**) 2000 c. 26.
(**d**) S.I. 2011/935.

is situated, which consent must not be unreasonably withheld, the undertaker may, in so far as necessary or expedient for the purposes of, in connection with, or in consequence of the construction, maintenance and operation of the authorised development—

(a) revoke, amend or suspend in whole or in part any order made, or having effect as if made, under the 1984 Act;

(b) permit, prohibit or restrict the stopping, waiting, loading or unloading of vehicles on any road;

(c) authorise the use as a parking place of any road;

(d) make provision as to the direction or priority of vehicular traffic on any road; and

(e) permit or prohibit vehicular access to any road,

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

(4) The power conferred by paragraph (3) may be exercised at any time prior to the expiry of 24 months from the opening of the authorised development for public use, but subject to paragraph (8), any prohibition, restriction or other provision made under paragraph (3) may have effect both before and after the expiry of that period.

(5) The undertaker must not exercise the powers conferred by paragraph (3), unless the undertaker has—

(a) given not less than—

(i) 12 weeks' notice in writing of the undertaker's intention so to do in the case of a prohibition, restriction or other provision intended to have effect permanently; or

(ii) 4 weeks' notice in writing of the undertaker's intention so to do in the case of a prohibition, restriction or other provision intended to have effect temporarily,

to the chief officer of police and to the traffic authority in whose area the road is situated; and

(b) advertised the undertaker's intention in such manner as the traffic authority may specify in writing within 28 days of its receipt of notice of the undertaker's intention in the case of sub-paragraph (a)(i), or within 7 days of its receipt of notice of the undertaker's intention in the case of sub-paragraph (a)(ii).

(6) Any prohibition, restriction or other provision made by the undertaker under paragraph (1) or (3)—

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

(i) the traffic authority in whose area the road is situated, as a traffic regulation order under the 1984 Act; or

(ii) the local authority in whose area the road is situated, as an order under section 32(**a**) (power of local authorities to provide parking places) of the 1984 Act,

and the instrument by which it is effected may specify savings and exemptions to which the prohibition, restriction or other provision is subject; and

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

(7) Any prohibition, restriction or other provision made under this article may be suspended, varied or revoked by the undertaker from time to time by subsequent exercise of the powers conferred by paragraph (1) or (3) within a period of 24 months from the opening of the authorised development.

(8) Before exercising the powers conferred by paragraph (1) or (3) the undertaker must consult such persons as the undertaker considers necessary and appropriate and must take into consideration any representations made to the undertaker by any such person.

(**a**) Section 32 was 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 New Roads and Street Works Act 1991.

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

PART 5

MISCELLANEOUS AND GENERAL

Benefit of the Order

43.—(1) Subject to article 44 (consent to transfer benefit of Order) and paragraph (2), the provisions of this Order conferring functions 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 or accommodation of owners and occupiers of land, statutory undertakers and other persons affected by the authorised development.

Consent to transfer benefit of Order

44.—(1) The undertaker may, regardless of any provision in any enactment, with the consent of the Secretary of State—

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

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

(2) Where an agreement has been made in accordance with paragraph (1), references in the provisions of this Order and any document certified under it that apply to the undertaker are to be read as references to the transferee or the grantee, or any other person who may exercise, enjoy or be responsible for any functions of the undertaker pursuant to that agreement, as the case may be.

(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.

Application of landlord and tenant law

45.—(1) This article applies to any agreement entered into by the undertaker under article 44 (consent to transfer benefit of Order) so far as it relates to the terms on which any land is subject to a lease granted by or under that agreement.

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

(3) No enactment or rule of law to which paragraph (2) applies is to apply 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 the purposes of the 1990 Act

46. Development consent granted by this Order for development on Order land is to be treated as specific planning permission for the purposes of section 264(3)(a) (cases in which land is to be treated as not being operational land for the purposes of that Act) of the 1990 Act.

Defence to proceedings in respect of statutory nuisance

47.—(1) Where proceedings are brought under section 82(1) (summary proceedings by person aggrieved by statutory nuisances) of the Environmental Protection Act 1990(**a**) in relation to a nuisance falling within paragraph (g) of section 79(1) (noise emitted from premises so as to be prejudicial to health or a nuisance) of that Act no order is to be made, and no fine may be imposed, under section 82(2) (**b**) 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 construction or maintenance of the authorised development in accordance with a notice served under section 60 (control of noise on construction sites), or a consent given under section 61 (prior consent for work on construction sites) of the Control of Pollution Act 1974(**c**); 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.

Protective provisions

48. Schedule 9 (protective provisions) has effect.

Certification of plans, etc.

49.—(1) As soon as practicable after the making of this Order, the undertaker must submit copies of each of the plans and documents referred to in Schedule 10 (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 referred to in Schedule 10 requires to be amended to reflect the terms of the Secretary of State's decision to make this 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 is admissible in any proceedings as evidence of the contents of the plan or document of which it is a copy.

(4) The undertaker must, following certification of the plans or documents in accordance with paragraph (1), make those plans or documents available in electronic form for inspection by members of the public.

(**a**) 1990 c. 43. There are amendments to section 82(1) which are not relevant to this Order.
(**b**) Section 82(2) was amended by section 5(2) of the Noise and Statutory Nuisance Act 1993 (c. 40). There are other amendments to section 82(2) which are not relevant to this Order.
(**c**) 1974 c. 40. Section 61(9) was amended by section 162 of, and paragraph 15(3) of Schedule 15 to, the Environmental Protection Act 1990 (c. 43). There are other amendments to section 61 which are not relevant to this Order.

Service of notices

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

(a) by post;

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

(c) with the consent of the recipient and subject to paragraphs (6) to (9) by electronic transmission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(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

51. Except where otherwise expressly provided for in this Order and unless otherwise agreed in writing 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.

Consents, agreements and approvals

52.—(1) Where any application is made to a relevant authority, the consent, agreement or approval concerned must, if given, be given in writing and is not to be unreasonably withheld or delayed.

(2) If a relevant authority which has received an application 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 received, the relevant authority is deemed to have given its consent, agreement or approval as the case may be.

(3) Any application to which this article applies must include a written statement that the provisions of paragraph (2) apply to that application.

(4) In this article—

"application" means an application or request for any consent, agreement or approval required or contemplated by articles 9 (construction and maintenance of new, altered or diverted streets and other structures), 11 (temporary prohibition, restriction or regulation of use of streets), 13 (discharge of water), 15 (authority to survey and investigate land) and 42 (traffic regulation measures); and

"relevant authority" means a relevant planning authority, a traffic authority, a highway authority, a street authority or an owner of a public sewer or drain as defined in article 13(7)(a).

Environmental Management Plans

53.—(1) The undertaker must not commence any part of the authorised development until a second iteration EMP for that part accompanied by a summary report has been submitted to and approved in writing by the Secretary of State.

(2) The Secretary of State must consult the Environment Agency, Historic England and Natural England (on matters related to their statutory functions), local authorities and highway authorities on the submitted second iteration EMP, allowing each party a period not exceeding 30 days to respond unless otherwise agreed to in writing by the Secretary of State.

(3) The consultation requirement outlined in paragraph (2) applies where the Secretary of State considers it is necessary in relation to any amendment made to the approved second iteration EMP.

(4) Each part of the authorised development must be constructed in accordance with the relevant second iteration EMP applying to that part.

(5) Each part of the authorised development must be operated and maintained in accordance with the relevant third iteration EMP applying to that part.

(6) A second iteration EMP must—

(a) be substantially in accordance with the first iteration EMP insofar as it relates to the relevant part of the authorised development, unless the Secretary of State is satisfied that any part of the second iteration EMP that is not substantially in accordance with the first

iteration EMP would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement;

(b) include the Arboricultural Impact Assessment which is broadly aligned with the information contained in the Tree Loss and Compensation Report(**a**); and

(c) be prepared in accordance with the consultation and determination provisions.

(7) The undertaker may only amend the approved second iteration EMP where no relevant party, as referred to in paragraph (2), has registered disagreement to the amendment being proposed by the undertaker.

(8) Where a relevant party has disagreed with the amendment being proposed by the undertaker to the approved second iteration EMP and agreement cannot be reached between the undertaker and that party, the undertaker is required to inform and seek approval for that amendment from the Secretary of State.

(9) Before approving any amendment referred to in paragraph (8), the Secretary of State may seek further information from the undertaker and carry out a consultation with relevant parties in accordance with paragraph (3).

(10) The undertaker must establish and maintain in an electronic form suitable for inspection by members of the public a register of all amendments to the approved second iteration, falling within paragraph (7) or paragraph (9).

(11) On completion of the construction of each part of the authorised development the undertaker must prepare, and determine whether to approve in accordance with the consultation and determination provisions, a third iteration EMP for that part, which must substantially accord with the measures relevant to the operation and maintenance of the authorised development contained in the relevant second iteration EMP approved (either initially, or as subsequently amended) for that part in accordance with the provisions of this article and the undertaker may at any time subsequently determine to approve amendments to a previously approved third iteration EMP in accordance with the provisions of this paragraph.

(12) The mainline A66 must not be completed and opened for public use until—

(a) a detailed blanket bog compensation and maintenance plan, prepared in accordance with the outline blanket bog compensation and maintenance plan, has been submitted to and approved in writing by the Secretary of State, following consultation with Natural England; and

(b) the approved detailed blanket bog compensation and maintenance plan has been implemented to the Secretary of State's satisfaction, following consultation with Natural England.

(13) Following implementation of the approved blanket bog compensation and maintenance to the Secretary of State's satisfaction the undertaker must maintain the restored blanket bog in accordance with the approved detailed blanket bog compensation and maintenance plan.

(14) The consultations referred to in paragraphs (12) and (13) are to be carried out in accordance with the procedures contained in paragraphs 1.4.17 to 1.4.34 and paragraphs 1.4.38 to 1.4.40 of the first iteration EMP, except that the functions of the "Principal Contractor" or "PC" may be performed by the undertaker.

(15) 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 the provisions of this article, those steps may be taken into account for the purposes of determining compliance with this article if they would have been valid steps for that purpose had they been taken after this Order came into force.

(16) In this article—

"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

(**a**) The Tree Loss and Compensation Planting Report was submitted by the undertaker to the Examining Authority during the examination of the application at deadline 4 (14 February 2023).

of archaeological investigations and mitigation works (but only to the extent undertaken in accordance with the guidance documents specified in paragraph B3.3.4 of Annex B3 of the first iteration EMP), ecological surveys and mitigation works, investigations for the purpose of assessing and monitoring ground conditions and levels, remedial work in respect of any contamination or other adverse ground conditions, erection of any temporary means of enclosure, receipt and erection of construction plant and equipment and the temporary display of site notices or advertisements, and "commencement" is to be construed accordingly;

"the consultation and determination provisions" means the provisions contained in paragraphs 1.4.9 to 1.4.52 of the first iteration EMP that set out the matters on which consultation is required and the procedures that apply to the conduct of that consultation and which require the undertaker to maintain functional separation when making determinations under this article;

"the first iteration EMP" means the document certified by the Secretary of State under article 49 (certification of plans, etc.) as being the first iteration EMP (Environmental Management Plan) for the purposes of this Order;

"the mainline A66" means the A66 carriageway to be constructed or improved as part of Work Nos. 0102-1, 03-1, 0405-1, 0405-2, 06-1, 07-1, 08-1, 09-1 and 11-1;

"the outline blanket bog compensation and maintenance plan" means the document listed in Schedule 10 certified by the Secretary of State under article 49 as the outline blanket bog compensation and maintenance plan for the purposes of this Order;

"the second iteration EMP" means, in relation to any part of the authorised development, the development of the first iteration EMP in its application to that part of the authorised development, following the grant of development consent and in advance of its construction, as approved or subsequently amended in accordance with this article;

"submission" has the meaning given to it in paragraph 1.4.17 of the first iteration EMP;

"summary report" has the meaning given to it in paragraph 1.4.17 of the first iteration EMP; and

"the third iteration EMP" means, in relation to any part of the authorised development, the development of the second iteration EMP in its application to that part of the authorised development, to support its future management and operation following completion of its construction, as approved or subsequently amended in accordance with this article.

Detailed design

54.—(1) Subject to article 7 (limits of deviation) and the provisions of this article, the authorised development must be designed in detail and carried out so that it is substantially in accordance with—

(a) the design principles;

(b) the works plans;

(c) the engineering section drawings: plan and profiles and the engineering section drawings: cross sections; and

(d) the matters approved by the Secretary of State under paragraphs (5), (8) and (9).

(2) The undertaker in relation to the detailed design of the authorised development must have regard to the amended duty to further the purpose of conserving and enhancing the protected landscapes set out in—

(a) section 11A of the National Parks and Access to the Countryside Act 1949((**a**)); and

(b) section 85 of the Countryside and Rights of Way Act 2008(**b**).

(**a**) 1949 c. 97. Section 11A was inserted by section 62 of the Environment Act 1995 (c. 25). It was further amended by section 245(3) of the Levelling-up and Regeneration Act 2023 (c. 55) to make provision for the amended statutory duty placed on relevant authorities.

(3) The Secretary of State may approve a detailed design that departs from paragraph (1), following consultation with the relevant planning authority, the Environment Agency, Historic England and Natural England (on matters related to their statutory functions), provided that the Secretary of State is satisfied that any amendments to the design principles, the works plans, the engineering section drawings: plan and profiles and the engineering section drawings: cross sections would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.

(4) Where amended details are approved by the Secretary of State under paragraph (3), those details are deemed to be substituted for the corresponding design principles, works plans, engineering section drawings: plan and profiles and engineering section drawings: cross sections as the case may be and the undertaker must make those amended details available in electronic form for inspection by members of the public.

(5) No part of the authorised development comprised in scheme 06 is to commence until a detailed floodplain compensation scheme for that part has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority and the Environment Agency.

(6) The floodplain compensation scheme prepared under paragraph (5) must provide suitable flood storage such that flood risk during construction and operation of scheme 06 to any land or property situated downstream is not increased as a result of flood waters that would be displaced by the Appleby to Brough scheme when compared to the baseline scenario as reported in the baseline hydraulic modelling agreed with the Environment Agency (in document HE565627-JBAU-XX-06-RP-HM-S3-P05-0001-Scheme6_Modelling_Report accepted on 15 May 2023) and arise from events with a magnitude up to and including the 1% annual exceedance probability, plus allowance for the climate change in line with the Environment Agency guidance applicable on the date when this Order was made.

(7) The floodplain compensation scheme approved under paragraph (5) must be implemented and maintained for the lifetime of scheme 06 unless otherwise agreed with the Environment Agency.

(8) The undertaker must not commence construction of any of the viaducts comprised in Work Nos. 0405-1A(xii), 0405-2A(x), 06-1C(vi) and 06-1C(x) until details of the design and external appearance of the viaducts have been submitted to and approved in writing by the Secretary of State following consultation with the relevant planning authority.

(9) The undertaker must not commence the construction of Work No. 06-7 until detailed designs for these Works including the locations of any draining ponds and access roads and the associated ancillary works have been submitted to and approved in writing by the Secretary of State following consultation with the relevant planning authority.

(10) In this article, "commence" has the same meaning as in article 53(16).

Time limit for when development must begin

55.—(1) The authorised development must not begin later than the expiration of 5 years beginning with the date on which this Order comes into force.

(2) Section 155 (when development begins) of the 2008 Act applies to this article.

Signed by the authority of the Secretary of State for Transport

Head of the Transport and Works Act Orders Unit

7th March 2024 Department for Transport

(**b**) 2000 c. 37. Section 85 was amended by section 245(6) of the Levelling-up and Regeneration Act 2023 to make provision for the amended statutory duty placed on relevant authorities.

SCHEDULES

SCHEDULE 1

Articles 2 and 29

AUTHORISED DEVELOPMENT

PART 1

SCHEME 0102 – M6 J40 TO KEMPLAY BANK

In the administrative area of Westmorland and Furness Council

The authorised development is situated in the administrative area of Westmorland and Furness Council.

A nationally significant infrastructure project as defined in sections 14 (nationally significant infrastructure projects: general) and 22 (highways) of the 2008 Act, and associated development within the meaning of section 115(2) (development for which development consent may be granted) of the 2008 Act, comprising—

Work No. 0102-1— as shown on sheets 1 to 2 of the works plans for scheme 0102 and being the construction of a new all-purpose dual carriageway ("the new A66") and improvements to the existing A66 trunk road ("the improved A66") between its western approach to and its junction with the M6 motorway (M6 Junction 40) and its eastern approach to the Kemplay Bank Roundabout, to include—

(a) **Work No. 0102-1A**— as shown on sheet 1 of the works plans for scheme 0102 and being the construction of additional carriageway and improvements to the existing A66 on the western approach to M6 Junction 40, to include—

(i) the improvement of the existing A66 eastbound and westbound dual lane carriageway;

(ii) the construction of an additional auxiliary lane to both eastbound and westbound carriageways on approach to M6 Junction 40; and

(iii) the improvement of existing cycleways alongside both the eastbound and westbound carriageways;

(b) **Work No. 0102-1B**— as shown on sheet 1 of the works plans for scheme 0102 and being the improvement of the existing A66 circulatory carriageway at M6 Junction 40 to include—

(i) the improvement of the existing circulatory carriageway;

(ii) the improvement of existing cycleways located at the junction;

(iii) the construction and installation of a new CCTV mast;

(iv) the construction of a new maintenance layby; and

(v) the relocation of an existing police observation platform;

(c) **Work No. 0102-1C**— as shown on sheets 1 and 2 of the works plans for scheme 0102 and being the construction of additional carriageway and improvements to sections of the existing A66, to include—

(i) the improvement of a length of the existing A66 eastbound and westbound dual carriageway to the east of M6 Junction 40 and the west of the new Kemplay Bank Junction;

(ii) the construction of additional carriageway to widen and improve both the existing eastbound and westbound carriageways;

(iii) the construction of a replacement private means of access off the westbound carriageway to "Skirsgill Depot", as shown illustratively on sheet 1 of the rights of way and access plans for scheme 0102, and the construction of new and replacement private means of access as shown illustratively on sheets 1 and 2 of the rights of way and access plans for scheme 0102; and

(iv) the improvement of the cycleway along the north side of the A66, adjacent to the A66 eastbound carriageway;

(d) **Work No. 0102-1D**— as shown on sheet 2 of the works plans for scheme 0102 and being the construction of additional carriageway and improvements to sections of the existing A66, to include—

(i) the improvement of the existing A66 eastbound and westbound dual carriageway;

(ii) the construction of a new bridge "Kemplay Bank West Bridge" to carry the improved A6 (Work No. 0102-7) over the improved A66, and forming part of the new Kemplay Bank Junction;

(iii) the construction of a new bridge "Kemplay Bank East Bridge" to carry the circulatory carriageway of the A6 (Work No. 0102-7B) over the improved A66, and forming part of the new Kemplay Bank Junction;

(iv) the construction of an extension to the existing "Carleton Hall Underpass" and all associated works; and

(v) the construction of a new eastbound and westbound merge and diverge slip roads for a new grade separated junction (the new Kemplay Bank Junction) between the improved A66 and the improved A6 (Work No. 0102-7);

(e) **Work No. 0102-1D-A**— as shown on sheet 2 of the works plans for scheme 0102 and being the construction of additional carriageway and improvements to sections of the existing A66, to include—

(i) the improvement of the existing A66 eastbound and westbound dual carriageway to the east of the new Kemplay Bank Junction; and

(ii) the construction of new private means of access to attenuation pond as shown on sheet 2 of the rights of way and access plans for scheme 0102;

(f) **Work No. 0102-1E**— as shown on sheet 2 of the works plans for scheme 0102 and being the construction of additional carriageway and improvements to sections of the existing A66, to include—

(i) the improvement of the existing A66 eastbound and westbound dual carriageway to the east of the new Kemplay Bank Junction; and

(ii) the construction of new private means of access to attenuation pond as shown on sheet 2 of the rights of way and access plans for scheme 0102.

Work No. 0102-2— as shown on sheet 1 of the works plans for scheme 0102 and comprising—

(a) the improvement of the existing M6 northbound merge slip road from the M6 Junction 40 roundabout; and

(b) the construction of an additional auxiliary lane at the M6 Junction 40.

Work No. 0102-3— as shown on sheet 1 of the works plans for scheme 0102 and comprising—

(a) the improvement of the existing M6 southbound diverge slip road to the M6 Junction 40 roundabout; and

(b) the construction of an additional auxiliary lane at the M6 Junction 40.

Work No. 0102-4— as shown on sheet 1 of the works plans for scheme 0102 and being the improvement of the existing A592, to include—

(a) the improvement of the existing A592 northbound and southbound dual lane carriageway;

(b) the construction of an additional auxiliary lane at the M6 Junction 40; and

(c) improvements to the existing cycleway along both sides of the A592.

Work No. 0102-5— as shown on sheet 1 of the works plans for scheme 0102 and comprising—

(a) the improvement of the existing M6 southbound merge slip road;

(b) the construction of an additional auxiliary lane at the M6 Junction 40; and

(c) the construction of a proposed cycleway along the north side of the southbound merge slip road.

Work No. 0102-6— as shown on sheet 1 of the works plans for scheme 0102 and comprising—

(a) the improvement of the existing M6 northbound diverge slip road to the M6 Junction 40 roundabout;

(b) the construction of an additional auxiliary lane at the M6 Junction 40; and

(c) the relocation of an existing police observation platform.

Work No. 0102-7— as shown on sheet 2 of the works plans for scheme 0102 and being the improvement of the existing Kemplay Bank Roundabout, to comprise a new grade separated Junction ("the new Kemplay Bank Junction"), and the construction of an additional carriageway and improvements to sections of the existing A6, to include—

(a) **Work No. 0102-7A**— as shown on sheet 2 of the works plans for scheme 0102 and being the improvement of a length of the existing A6 and the construction of additional A6 carriageway, to include—

(i) the improvement of the existing A6 southbound approach to Kemplay Bank Roundabout; and

(ii) the relocation and improvement of existing cycleways;

(b) **Work No. 0102-7B**— as shown on sheet 2 of the works plans for scheme 0102 and comprising—

(i) the construction of the new Kemplay Bank Junction circulatory carriageway;

(ii) the relocation and improvement of existing cycleways;

(iii) the relocation of an existing variable message sign; and

(iv) the construction and installation of a new CCTV mast;

(c) **Work No. 0102-7C**— as shown on sheet 2 of the works plans for scheme 0102 and being the improvement of a length of the existing A6 and the construction of additional A6 carriageway, to include—

(i) the improvement of the existing A6 northbound approach to Kemplay Bank Roundabout; and

(ii) the relocation and improvement of existing cycleways.

Work No. 0102-8— as shown on sheet 2 of the works plans for scheme 0102 and being the construction of additional carriageway and improvements to sections of the existing A686, to include—

(a) the improvement of the existing A686 northbound and southbound carriageways;

(b) the realignment of the A686 carriageway to connect to the new Kemplay Bank Junction;

(c) works to effect the stopping up of part of the existing A686 on its approach to the existing Kemplay Bank Roundabout;

(d) the improvement of existing cycleways on both sides of the A686;

(e) the construction of a new maintenance layby; and

(f) the construction of replacement private means of access as shown illustratively on sheet 2 of the rights of way and access plans for scheme 0102.

PART 2

SCHEME 03 – PENRITH TO TEMPLE SOWERBY

In the administrative area of Westmorland and Furness Council

The authorised development is situated in the administrative area of Westmorland and Furness Council.

A nationally significant infrastructure project as defined in sections 14 (nationally significant infrastructure projects: general) and 22 (highways) of the 2008 Act, and associated development within the meaning of section 115(2) (development for which development consent may be granted) of the 2008 Act, comprising—

Work No. 03-1— as shown on sheets 1 to 4 of the works plans for scheme 03 and being the construction of a new all-purpose dual carriageway ("the new A66") and of improvements to the existing A66 ("the improved A66") between Penrith and Temple Sowerby to include—

(a) **Work No.03-1A**— as shown on sheet 1 of the works plans for scheme 03 and comprising—

(i) the improvement of the existing A66 eastbound and westbound single lane carriageway;

(ii) the construction of an additional carriageway to upgrade the eastbound and westbound single carriageway to a dual carriageway;

(iii) the improvement of the junction between the realigned B6262 (Work No. 03-2) and the A66 westbound carriageway; and

(iv) the construction of a new bridge, "Brougham Accommodation Bridge", to carry a cycle track and private means of access (Work No. 03-7A) over the improved A66, as shown illustratively on sheet 1 of the rights of way and access plans for scheme 03;

(b) **Work No. 03-1AA—** as shown on sheet 1 of the works plans for scheme 03 and comprising—

(i) the improvement of the existing A66 eastbound and westbound single lane carriageway;

(ii) the construction of an additional carriageway to upgrade the eastbound and westbound single carriageway to a dual carriageway;

(iii) the construction of a replacement private means of access to the site of the former "Llama Karma Kafe" on the south side of the A66 as shown illustratively on sheet 1 of the rights of way and access plans for scheme 03; and

(iv) works to effect the stopping up of private means of access as shown on sheet 1 of the rights of way and access plans for scheme 03;

(c) **Work No. 03-1B**— as shown on sheets 1 to 4 of the works plans for scheme 03 and comprising—

(i) the improvement of the existing A66 eastbound and westbound single lane carriageway;

(ii) the construction of an additional carriageway to upgrade the eastbound and westbound single carriageway to a dual carriageway;

(iii) the construction of a replacement private means of access off the westbound carriageway of the A66 at "Lightwater Cottages", as shown illustratively on sheet 1 of the rights of way and access plans for scheme 03;

(iv) the construction of an improved junction off the eastbound carriageway of the A66 to provide a realigned link (Work No. 03-3) with an existing byway open to all traffic (BOAT 311/013);

(v) the construction of a replacement private means of access off the westbound carriageway of the A66 to "Whinfell Park Farm", as shown illustratively on sheet 2 of the rights of way and access plans for scheme 03;

(vi) the construction of a new bridge to carry the improved A66 over a private means of access ("Whinfell Park Accommodation Underpass"), as shown illustratively on sheet 2 of the rights of way and access plans for scheme 03;

(vii) the construction of new eastbound and westbound merge and diverge tapers for a new compact grade-separated junction ("Junction at Center Parcs") between the improved A66 and a new connector road (forming part of the Work No. 03-4);

(viii) the construction of new and replacement private means of access (including access to attenuation ponds) as shown on sheets 2 to 4 of the rights of way and access plans for scheme 03;

(ix) works to effect the stopping up of existing private means of access as shown on sheets 1 to 4 of the rights of way and access plans for scheme 03;

(x) works to effect the stopping up of existing cycleways on the north and south sides of the existing A66; and

(xi) the construction of new laybys adjacent to the eastbound and westbound carriageways of the improved A66.

Work No. 03-2— as shown on sheet 1 of the works plans for scheme 03 and being the improvement of the existing B6262, to include—

(a) the construction of an improved junction off the improved A66 westbound carriageway to the existing B6262;

(b) works to effect the stopping up of part of the existing B6262 where it joins the existing A66; and

(c) improvements to the existing B6262 carriageway.

Work No. 03-3— as shown on sheet 2 of the works plans for scheme 03 and comprising—

(a) the improvement of the junction of an existing byway open to all traffic (BOAT 311/013) with the eastbound carriageway of the improved A66 (Work No. 03-1B);

(b) the construction of a new road to connect the improved A66 with an existing byway open to all traffic (BOAT 311/013) providing access to "St. Ninian's Church";

(c) works to effect the stopping up of part of the existing byway open to all traffic (BOAT 311/013) where it joins the existing A66; and

(d) the construction of replacement parking facilities.

Work No. 03-4— as shown on sheet 3 of the works plans for scheme 03 and comprising—

(a) **Work No. 03-4A**— as shown on sheet 3 of the works plans and forming part of the new "Junction at Center Parcs", to include—

(i) the construction of a new connector road from the A66 eastbound carriageway to the new connector road on the south side of the improved A66 (Work No. 03-4B) as part of a new compact grade-separated junction ("Junction at Center Parcs");

(ii) the construction of a new bridge ("Whinfell Forest Bridge") to carry the new connector road (Work No. 03-4) over the improved A66 (Work No. 03-1B); and

(iii) the construction of a new cycleway alongside part of the connector road;

(b) **Work No. 03-4B**— as shown on sheet 3 of the works plans for scheme 03 and forming part of the new "Junction at Center Parcs", to include—

(i) the improvement of the existing junction on the westbound carriageway of the improved A66 (Work No. 03-1B);

(ii) the construction of a new road to connect between the westbound carriageway of the improved A66, the new connector road (Work No. 4A) and an existing private means

of access to "Center Parcs" as shown illustratively on sheet 3 of the rights of way and access plans for scheme 03;

(iii) the construction and installation of a new variable message sign and associated maintenance layby; and

(iv) the construction of a new cycleway alongside part of the connector road.

Work No. 03-5— as shown on sheet 3 of the works plans for scheme 03 and forming part of the new "Junction at Center Parcs", to include—

(a) the construction of a realigned section of unclassified road (known as "Roman Road") between its existing junction with Lane End and its new junction with the new connector road forming part of the new compact grade separated junction at Center Parcs (Work No. 03-4A);

(b) the construction of a new junction connecting the realigned unclassified road (Roman Road) to the new connector road forming part of the new compact grade separated junction at Center Parcs (Work No. 03-4A); and

(c) the construction of a new cycleway alongside part of the unclassified road.

Work No. 03-6— as shown on sheet 3 of the works plans for scheme 03 and being—

(a) the construction of a new footpath on the south side of the improved A66, connecting to an existing footpath (311/004) as shown illustratively on sheet 3 of the rights of way and access plans for scheme 03;

(b) the construction of a new private means of access to land on the south side of the improved A66, as shown illustratively on sheets 3 and 4 of the rights of way and access plans for scheme 03; and

(c) works to effect the stopping up of a length of the existing footpath 311/004.

Work No. 03-7— as shown on sheets 1 to 3 of the works plans for scheme 03 and being a new cycle track and private means of access, comprising—

(a) **Work No. 03-7A**— as shown on sheet 1 of the works plans for scheme 03 and being—

(i) the construction of a new cycle track and new and replacement private means of access to land and premises (including the Whinfell Holme Sewage Works) commencing at a point 90 metres to the south-west of the junction of the B6262 with the improved A66 and continuing on the south side and then on the north side of the improved A66 as shown illustratively on sheet 1 of the rights of way and access plans for scheme 03; and

(ii) works to effect the stopping up of a length of existing footpath between the B6262 and the Countess Pillar, as shown illustratively on the rights of way and access plans for scheme 03;

(b) **Work No. 03-7B**— as shown on sheets 1 to 3 of the works plans for scheme 03 and being the construction of a new cycle track and new private means of access on the north side of the improved A66 as shown illustratively on sheets 1 to 3 of the rights of way and access plans for scheme 03.

Work No. 03-8— as shown on sheets 3 and 4 of the works plans for scheme 03 and being the construction of a new cycle track and private means of access on the north side of the improved A66 as shown illustratively on sheets 3 and 4 of the rights of way and access plans for scheme 03.

Work No. 03-9— as shown on sheet 1 of the works plans for scheme 03 and being—

(a) **Work No. 03-9A—** as shown sheet 1 of the works plans for scheme 03 and comprising—

(i) the construction of a new cycle track connecting to the site of the Countess Pillar; and

(ii) the construction of new private means of access to land on the south side of the improved A66;

(b) **Work No. 03-9B—** as shown on sheet 1 of the works plans for scheme 03 and comprising—

(i) the construction of a new cycle track connecting to the site of theformer Llama Karma Kafe; and

(ii) the construction of new private means of access to land on the south side of the improved A66 (including the site of the former Llama Karma Kafe).

PART 3

SCHEME 0405 – TEMPLE SOWERBY TO APPLEBY

In the administrative area of Westmorland and Furness Council

The authorised development is situated in the administrative area of Westmorland and Furness Council.

A nationally significant infrastructure project as defined in sections 14 (nationally significant infrastructure projects: general) and 22 (highways) of the 2008 Act, and associated development within the meaning of section 115(2) (development for which development consent may be granted) of the 2008 Act, comprising—

Work No. 0405-1— as shown on sheets 1 to 7 of the works plans for scheme 0405 and being the construction of a new all-purpose dual carriageway ("the new A66") and of improvements to the existing A66 ("the improved A66") between Temple Sowerby and Appleby, to include—

(a) **Work No. 0405-1A**— as shown on sheets 1 to 5 of the works plans for scheme 0405 and being the construction of the new A66 eastbound and improvements to sections of the existing A66 eastbound, to include—

(i) the improvement of the existing A66 eastbound single and dual lane carriageways to provide a continuous dual lane eastbound carriageway;

(ii) the improvement of the existing Priest Lane to support its designation as a Quiet Lane;

(iii) works to support the de-trunking and reclassification of a length of the existing A66 as a local road (Work Nos. 0405-4A; 0405-4B and 0405-18) between the Spitals Farm Underpass and Powis House);

(iv) works to support the provision of a replacement private means of access (via the Spitals Farm Underpass) as shown illustratively on sheet 1 of the rights of way and access plans for scheme 0405;

(v) the construction of a new underpass (Priest Lane Underpass) to allow a new right of way and new private means of access (Work No. 0405-5) to pass under the new A66;

(vi) the construction of new and replacement private means of access, as shown illustratively on sheets 1 to 5 of the rights of way and access plans for scheme 0405;

(vii) the construction of a new bridge (Cross Street Bridge) to carry the realigned Cross Street (forming part of Work No. 0405-7) over the new A66;

(viii) the construction of a new bridge (Green Lane Bridge) to carry a new right of way and new private means of access (forming part of Work No. 0405-9) over the new A66;

(ix) the construction of a new eastbound diverge and merge tapers for a new compact grade-separated junction (Work No. 0405-10A) linking the new A66 with the realigned Fell Lane (Work No. 0405-11A);

(x) the construction of a new bridge (Fell Lane Bridge) to carry the realigned Fell Lane (forming part of Work No. 0405-11A) over the new A66;

(xi) the construction of a new bridge (Sleastonhow Lane Bridge) to carry the realigned Sleastonhow Lane (forming part of Work No. 0405-13) over the new A66;

(xii) the construction of a new viaduct (Trout Beck Viaduct) crossing the Trout Beck, to carry the new A66 over the Trout Beck; and

(xiii) the construction of a replacement private means of access (the trout beck bridge north shore farm track), passing under the new viaduct, as shown illustratively on sheet 4 of the rights of way and access plans for scheme 0405;

(b) **Work No. 0405-1B**— as shown on sheets 5 to 7 of the works plans for scheme 0405 and being the construction of the new A66 eastbound and improvements to sections of the existing A66 eastbound, to include—

(i) the improvement of the existing A66 eastbound single and dual lane carriageways to provide a continuous dual lane eastbound carriageway;

(ii) works to support the de-trunking and reclassification of a length of the existing A66 as a local road (Work Nos. 0405-18; 0405-19A; 0405-19B; and 0405-19C) between Powis House and the B6542;

(iii) the construction of a new and replacement private means of access, as shown on sheets 4 and 5 of the rights of way and access plans for scheme 0405;

(iv) works to effect the stopping up of part of existing Footpath 341/017 and of private means of access;

(v) works to effect the stopping up of part of existing Footpaths 317/006 and 317/009;

(vi) the construction of a new bridge (Proposed Powis House Bridge) to carry the new A66 over the realigned Long Marton (Work No. 0405-16);

(vii) the construction of new eastbound diverge and merge tapers for a new compact grade-separated junction (Work No. 0405-17A) (to link the proposed A66 with the realigned Long Marton (Work No. 0405-16));

(viii) the construction of a new underpass (Crackenthorpe Underpass) to allow a new bridleway and new private means of access to pass under the new A66 as shown illustratively on sheet 6 of the rights of way and access plans for scheme 0405; and

(ix) the construction of a new bridge (Roger Head Farm Bridge) to carry a new bridleway and new private means of access over the new A66, as shown illustratively on sheet 7 of the rights of way and access plans for scheme 0405.

Work No. 0405-2— as shown on sheets 1 to 7 of the works plans for scheme 0405 and being the construction of a new all-purpose dual carriageway ("the new A66") and of improvements to the existing A66 ("the improved A66") between Temple Sowerby and Appleby, to include—

(a) **Work No. 0405-2A**— as shown on sheets 1 to 5 of the works plans for scheme 0405 and being the construction of the new A66 westbound and improvements to sections of the existing A66 westbound, to include—

(i) the improvement of the existing A66 westbound single and dual lane carriageways to provide a continuous dual lane eastbound carriageway;

(ii) the construction of new and replacement private means of access, as shown illustratively on sheets 1 to 5 of the rights of way and access plans for scheme 0405;

(iii) works to support the provision of a replacement private means of access (via the Spitals Farm Underpass) as shown illustratively on sheet 1 of the rights of way and access plans for scheme 0405;

(iv) the construction of a new underpass (Priest Lane Underpass) to allow a new right of way and new private means of access (Work No. 0405-5) to pass under the new A66;

(v) the construction of a new bridge (Cross Street Bridge) to carry the realigned Cross Street (forming part of Work No. 0405-7) over the new A66;

(vi) the construction of a new bridge (Green Lane Bridge) to carry a new right of way and new private means of access (forming part of Work No. 0405-09) over the new A66;

(vii) the construction of new westbound diverge and merge tapers for a new compact grade-separated junction (Work No. 0405-10B) linking the proposed A66 with the realigned Fell Lane (Work No. 0405-11A);

(viii) the construction of a new bridge (Fell Lane Bridge) to carry the realigned Fell Lane (forming part of Work No. 0405-11A) over the new A66;

(ix) the construction of a new bridge (Sleastonhow Lane Bridge) to carry the realigned Sleastonhow Lane (forming part of Work No. 0405-13) over the new A66;

(x) the construction of a new viaduct (Trout Beck Viaduct) crossing the Trout Beck, to carry the new A66 over the Trout Beck;

(xi) the construction of a replacement private means of access (the trout beck bridge north shore farm track), passing under the new viaduct, as shown illustratively on sheet 4 of the rights of way and access plans for scheme 0405; and

(xii) works to effect the stopping up part of existing Bridleway 341/001 and of private means of access (to Powis House);

(b) **Work No. 0405-2B**— as shown on sheets 5 to 7 of the works plans for scheme 0405 and being the construction of the new A66 westbound and improvements to sections of the existing A66 westbound, to include—

(i) the improvement of the existing A66 westbound single and dual lane carriageways to provide a continuous dual lane westbound carriageway;

(ii) the construction of new and replacement private means of access as shown on sheets 5 to 7 of the rights of way and access plans for scheme 0405;

(iii) works to effect the stopping up of part of existing Footpath 341/017 and of private means of access;

(iv) works to effect the stopping up of part of existing Footpaths 317/006 and 317/009;

(v) the construction of a new bridge (Proposed Powis House Bridge) to carry the new A66 over the realigned Long Marton (Work No. 0405-16);

(vi) the construction of new westbound diverge and merge tapers new compact grade-separated junction (Work No. 0405-17B) linking the proposed A66 with the realigned Long Marton (Work No. 0405-16);

(vii) the construction of a new underpass (Crackenthorpe Underpass) to allow a new bridleway and new private means of access to pass under the new A66 as shown illustratively on sheet 6 of the rights of way and access plans for scheme 0405; and

(viii) the construction of a new bridge (Roger Head Farm Bridge) to carry a new bridleway and new private means of access over the new A66, as shown illustratively on sheet 7 of the rights of way and access plans for scheme 0405.

Work No. 0405-3— as shown on sheet 1 of the works plans for scheme 0405 and being improvements to the existing Roman Road and Morland road, comprising—

(a) **Work No. 0405-3A**— as shown on sheet 1 of the works plans for scheme 0405 and comprising—

(i) improvements to the existing Roman Road between Priest Lane and Temple Sowerby;

(ii) improvements to the existing Morland Road between the existing A66 and Roman Road; and

(iii) the construction of a new cycleway on the existing Morland Road and the existing Roman Road;

(b) **Work No. 0405-3B**— as shown on sheet 1 of the works plans for scheme 0405 and being the improvement of the existing Morland Road comprising—

(i) improvements to and the realignment of the existing Morland Road, south of the existing A66;

(ii) the improvement of the existing grade-separated connector road from its junction with Morland Road;

(iii) the construction of a new roundabout (the Proposed Roundabout), on Morland Road at its junction with the existing grade-separated connector road; and

(iv) the construction of a new cycleway on the existing Morland Road south of the existing A66.

Work No. 0405-4A— as shown on sheet 1 of the works plans for scheme 0405 and being the construction of a new local road between Temple Sowerby and Low Moor Caravan Park, comprising—

(a) the construction of a new single carriageway two-way link road (including new cycleway) commencing from its junction with the new roundabout on Morland Road (Work No. 0405-3B) and continuing in parallel with the existing A66 until connecting into Work No. 0405-4B at Low Moor Caravan Park);

(b) the construction of new and replacement private means of access, as shown illustratively on sheet 1 of the rights of way and access plans; and

(c) works to effect the removal of an existing cycleway on the south side of the existing A66 from its junction with the existing Morland Road.

Work No. 0405-4B— as shown on sheets 1, 2, 4 and 5 of the works plans for scheme 0405 and being the improvement of the existing A66, once de-trunked, together with Work Nos. 0405-14 (part); and 0405-18 between the Low Moor Caravan Park and Powis House, comprising—

(a) improvements to the existing A66 between Low Moor Caravan Park and Powis House;

(b) the construction of new and replacement private means of access, as shown illustratively on sheets 1, 2, 4 and 5 of the rights of way and access plans;

(c) the construction of a new cycleway alongside the carriageway of the existing A66 between the existing Spitals Farm Underpass and the Filling Station as part of improvements to the existing A66; and

(d) the construction of a new cycleway between the Filling Station and the Dismantled Railway (and also along Roman Road and adjacent to the Old Station Yard).

Work No. 0405-5— as shown on sheets 1 and 2 of the works plans for scheme 0405 and being the construction of a new bridleway and private means of access linking the old A66 to the realigned Priest Lane and comprising—

(a) the construction of a new bridleway linking the old A66 to the realigned Priest Lane (south of the new A66 westbound carriageway);

(b) the provision of new private means of access (on the same alignment as the new bridleway) as shown illustratively on sheets 1 and 2 of the rights of way and access plans for scheme 0405;

(c) the construction of a new underpass (Priest Lane Underpass) to allow the new private means of access and new bridleway, to pass under the new A66 (forming part of Work No. 0405-1A and Work No. 0405-2A);

(d) works to effect the stopping up of existing private means of access west of the new Priest Lane Underpass; and

(e) works to effect the stopping up of part of the existing Priest Lane, to accommodate its new alignment.

Work No. 0405-6— as shown on sheets 1 and 2 of the works plans for scheme 0405 and being the re-alignment of part of the existing Priest Lane and improvements to the existing Priest Lane, along its length to its new junction with the realigned Station Road (Work No. 0405-7), comprising—

(a) **Work No. 0405-6A—** as shown on sheets 1 and 2 of the works plans for scheme 0405 and comprising—

(i) the re-alignment of part of the existing Priest Lane (north of the new A66 eastbound carriageway);

(ii) works to effect the designation of the realigned Priest Lane as a quiet lane;

(iii) works to effect the conversion of the existing Priest Lane into a designated quiet lane;

(iv) works to effect the stopping up of part of the existing Priest Lane, to accommodate its new alignment; and

(v) the construction of new and replacement private means of access to land adjacent to the realigned Priest Lane, as shown illustratively on sheet 2 of the rights of way and access plans for scheme 0405;

(b) **Work No. 0405-6B—** as shown sheet 2 of the works plans for scheme 0405 and comprising—

(i) the re-alignment of part of the existing Priest Lane (north of the new A66 eastbound carriageway);

(ii) works to effect the designation of the realigned Priest Lane as a quiet lane;

(iii) works to effect the conversion of the existing Priest Lane into a designated quiet lane;

(iv) works to effect the stopping up of part of the existing Priest Lane, to accommodate its new alignment; and

(v) the construction of new and replacement private means of access to land adjacent to the realigned Priest Lane, as shown illustratively on sheet 2 of the rights of way and access plans for scheme 0405;

(c) **Work No. 0405-6C**— as shown on sheet 2 of the works plans for scheme 0405 and comprising**—**

(i) the re-alignment of part of the existing Priest Lane to its new junction with the realigned Station Road (Work No. 0405-7) (north of the new A66 eastbound carriageway);

(ii) works to effect the designation of the realigned Priest Lane as a quiet lane;

(iii) works to effect the conversion of the existing Priest Lane into a designated quiet lane; and

(iv) the construction of new and replacement private means of access to land adjacent to the realigned Priest Lane, as shown illustratively on sheet 2 of the rights of way and access plans for scheme 0405.

Work No. 0405-7— as shown on sheet 2 of the works plans for scheme 0405 and being the improvement and re-alignment of the existing Cross Street and Station Road, comprising—

(a) the re-alignment of Cross Street from its junction with Priest Lane in a north-westerly direction;

(b) works to effect the stopping up of Cross Street and Station Road, over a length between Halefield Farm and Priest Lane;

(c) the construction of a new bridge (Cross Street Bridge) to carry the realigned Cross Street over the new A66 (forming part of Work Nos. 0405-1A and 0405-2A);

(d) the construction of new and replacement private means of access to land adjacent to the realigned Station Road (north of Cross Street Bridge), as shown illustratively on sheet 2 of the rights of way and access plans; and

(e) works to effect the stopping up of an existing shared use private means of access and part of existing Bridleway 336/018.

Work No. 0405-8— as shown on sheet 2 of the works plans for scheme 0405 and comprising—

(a) the construction of a length of new bridleway between the realigned Cross Street and the existing Bridleway 336/018;

(b) the construction of a length of new footpath, between the existing Bridleway 336/018 and the existing Footpath 336/017; and

(c) the provision of new private means of access (on the same alignment as the new bridleway and the new footpath) as shown illustratively on sheet 2 of the rights of way and access plans for scheme 0405.

Work No. 0405-9— as shown on sheets 2 and 3 of the works plans for scheme 0405 and comprising—

(a) the construction of a length of new footpath , between the realigned Cross Street (Work No. 0405-07) on the south side of the new A66, and the realigned Fell Lane (and access to the existing British Gypsum site) (Work No. 0405-11) on the north side of the new A66, crossing over the new A66 via the new Green Lane Bridge, and linking into existing Footpaths 336/017 and 336/013 on the north side of the new A66, and Green Lane Track on the south side of the A66;

(b) the provision of new private means of access (on the same alignment as the new footpath) as shown illustratively on sheets 2 and 3 of the rights of way and access plans for scheme 0405; and

(c) works to effect the stopping up of a length of existing Footpath 336/017 and of existing private means of access.

Work No. 0405-10— as shown on sheet 3 of the works plans for scheme 0405 and being a new compact grade-separated junction between the new A66 and the realigned Fell Lane, comprising—

(a) **Work No. 0405-10A**— as shown on sheet 3 of the works plans for scheme 0405 and comprising the construction of a new compact connector road, connecting the new A66 eastbound carriageway, via diverge and merge tapers (forming part of Work No. 0405-1A) with the realigned Fell Lane (Work No. 0405-11A); and

(b) **Work No. 0405-10B**— as shown on sheet 3 of the works plans for scheme 0405 and comprising the construction of a new compact connector road, connecting the new A66 westbound carriageway, via diverge and merge tapers (forming part of Work No. 0405-2A) with the realigned Fell Lane (Work No. 005-11A).

Work No. 0405-11— as shown on sheet 3 of the works plans for scheme 0405 and being the improvement and re-alignment of the existing Fell Lane comprising—

(a) **Work No. 0405-11A**— as shown on sheet 3 of the works plans for scheme 0405 and being—

(i) the realignment of the existing Fell Lane between Main Street and the British Gypsum Mine;

(ii) improvements to the existing Fell Lane including the construction of new cycleway along the improved length of Fell Lane;

(iii) works to effect the stopping up of existing private means of access; and

(iv) the construction of new and replacement private means of access, as shown illustratively on sheet 3 of the rights of way and access plans for scheme 0405;

(b) **Work No. 0405-11B**— as shown on sheet 3 of the works plans for scheme 0405 and comprising works to improve the connectivity of existing Footpath 336/013 (adjacent to the existing British Gypsum access road) with existing Footpath 366/014.

Work No. 0405-12— as shown on sheet 3 of the works plans for scheme 0405 and being the construction of a new road connecting the realigned Fell Lane with the realigned Main Street, and comprising—

(a) **Work No. 0405-12A—** as shown on sheet 3 of the works plans for scheme 0405 and comprising—

(i) the construction of a new single carriageway two-way link road and tie-in from the realigned Fell Lane (forming Work No. 0405-11) on the north side of the new A66; and

(ii) the construction of new private means of access, as shown illustratively on sheet 3 of the rights of way and access plans for scheme 0405;

(b) **Work No. 0405-12B—** as shown on sheet 3 of the works plans for scheme 0405 and comprising—

(i) the construction of a new single carriageway two-way link road and tie-in from the realigned Fell Lane (forming Work No. 0405-11) to the existing Main Street on the north side of the new A66;

(ii) works to effect the stopping up of an existing length of Main Street;

(iii) the construction of new private means of access, as shown illustratively on sheet 3 of the rights of way and access plans for scheme 0405; and

(iv) works to effect the stopping up of existing private means of access.

Work No. 0405-13— as shown on sheets 3 and 4 of the works plans for scheme 0405 and being the improvement and re-alignment of the existing Sleastonhow Lane, comprising—

(a) the re-alignment of a length of Sleastonhow Lane to the south of Kirkby Thore;

(b) works to effect the stopping up of parts of the existing Sleastonhow Lane;

(c) the construction of new private means of access linking the realigned Sleastonhow Lane to the existing A66, via an existing farm track to the south as shown illustratively on sheets 3 and 4 of the rights of way and access plans for scheme 0405;

(d) the construction of new private means of access, as shown illustratively on sheets 3 and 4 of the rights of way and access plans for scheme 0405; and

(e) works to effect the stopping up of existing private means of access south of the realigned Sleastonhow Lane.

Work No. 0405-14— as shown on sheets 4 and 5 of the works plans for scheme 0405 and comprising the provision of new footpaths and private means of access between the existing A66 and the existing Long Marton (road), comprising—

(a) the construction of a new cycleway and private means of access between the existing A66 and the existing Roman Road, as shown illustratively on sheets 4 and 5 of the rights of way and access plans for scheme 0405;

(b) the construction of a new footpath and private means of access (the trout beck bridge south shore maintenance track) between the existing A66 and the proposed A66, as shown illustratively on sheets 4 and 5 of the rights of way and access plans for scheme 0405;

(c) the construction of a new footpath passing beneath the Trout Beck viaduct (part of Work Nos. 0405-1A and 0405-2A) and connecting to the existing Footpath 341/017; and

(d) the construction of a new footpath and private means of access between the existing Long Marton (road) and Footpath 341/017, as shown illustratively on sheet 5 of the rights of way and access plans for scheme 0405.

Work No. 0405-15— as shown on sheet 5 of the works plans for scheme 0405 and comprising—

(a) the construction of a length of new bridleway between the existing Long Marton (road) and the new compact grade-separated junction (Work No. 0405-17) linking the realigned Long Marton with the new A66;

(b) the construction of new and replacement private means of access as shown illustratively on sheet 5 of the rights of way and access plans;

(c) works to effect the stopping up of part of existing Bridleway 341/001;

(d) works to effect the stopping up of private means of access;

(e) the construction of a new underpass (Long Marton Underpass) to allow a new bridleway and new private means of access to pass under the new Long Marton eastbound connector road (Work No. 0405-17A); and

(f) the construction of a length of new cycleway from the new side road to the existing Roman Road.

Work No. 0405-16— as shown on sheet 5 of the works plans for scheme 0405 and being the construction of realigned Long Marton, comprising—

(a) the construction of a new single carriageway two-way local road, including new cycleway, from its junction with the existing A66, over the new A66 (Work Nos. 0405-1A and 0405-2A) via the Proposed Powis House Bridge, to its eastern and western tie-ins with the existing Long Marton on the north side of the new A66;

(b) the construction of a local road junction connecting to the north side of the existing A66 (forming part of Work No. 0405-19);

(c) the construction of a local road junction connecting the realigned Long Marton with the existing Long Marton (east and west);

(d) works to effect the stopping up of existing private means of access; and

(e) the construction of new private means of access, as shown on sheet 5 of the rights of way and access plans for scheme 0405.

Work No. 0405-17— as shown on sheet 5 of the works plans for scheme 0405 and being the construction of new connector roads (Proposed Long Marton Eastbound and Westbound compact connector roads) comprising—

(a) **Work No. 0405-17A**— as shown on sheet 5 of the works plans for scheme 0405 and comprising—

(i) the construction of a new connector road (Proposed Long Marton eastbound compact connector road), connecting the new A66 eastbound carriageway (via diverge and merge tapers forming part of Work No. 0405-1B)), with the new realigned Long Marton (forming part of Work No.0405-16); and

(ii) the construction of new private means of access adjacent to the Proposed Long Marton eastbound compact connector road as shown illustratively on sheet 5 of the rights of way and access plans for scheme 0405;

(b) **Work No. 0405-17B**— as shown on sheet 5 of the works plans for scheme 0405 and comprising the construction of a new connector road (Proposed Long Marton westbound compact connector road), connecting the new A66 westbound carriageway (forming part of Work No. 0405-2B) via diverge and merge tapers (forming part of Work No. 0405-2B) with the new Realigned Long Marton (Work No. 0405-16).

Work No. 0405-18— as shown on sheet 5 of the works plans for scheme 0405 and comprising—

(a) the improvement of a length of the existing A66 (to be de-trunked) to the south-west of Powis House;

(b) works to effect the stopping up of part of existing Footpath 317/009; and

(c) the construction of a new cycleway alongside the carriageway as part of improvements to the existing A66.

Work No. 0405-19— as shown on sheets 5 to 7 of the works plans for scheme 0405 and being the improvement of the existing A66 and existing B6542 comprising—

(a) **Work No. 0405-19A**— as shown on sheet 5 of the works plans for scheme 0405 and comprising—

(i) the improvement of a length of the existing A66 (to be de-trunked) to the south of Powis House; and

(ii) the construction of a new cycleway alongside the carriageway as part of improvements to the existing A66;

(b) **Work No. 0405-19B**— as shown on sheet 5 of the works plans for scheme 0405 and comprising—

(i) the improvement of a length of the existing A66 (to be de-trunked) to the south of Powis House; and

(ii) the construction of a new cycleway alongside the carriageway as part of improvements to the existing A66;

(c) **Work No. 0405-19C**— as shown on sheets 5 to 7 of the works plans for scheme 0405 and comprising—

(i) the improvement of a length of the existing A66 (to be de-trunked) between Powis House and Roger Head Farm; and

(ii) the construction of a new cycleway alongside the carriageway as part of improvements to the existing A66;

(d) **Work No. 0405-19D**— as shown on sheet 7 of the works plans for scheme 0405 and comprising—

(i) the improvement of a length of the existing A66 (to be de-trunked) to the south of Roger Head Farm;

(ii) the construction of a new cycleway alongside the carriageway as part of improvements to the existing A66;

(iii) the improvement and re-alignment of the existing B6542;

(iv) the construction of a new cycleway adjacent to the carriageway of the improved B6542;

(v) improvements to a private road junction connecting to the improved B6542; and

(vi) the construction of new and replacement private means of access, as shown on sheet 7 of the rights of way and access plans;

(e) **Work No. 0405-19E**— as shown on sheet 7 of the works plans for scheme 0405 and comprising the construction of a new cycleway alongside the carriageway of the existing B6542.

Work No. 0405-20— as shown on sheet 6 of the works plans for scheme 0405 and being the construction of new bridleway linking Crackenthorpe to the existing Roman Road, comprising—

(a) **Work No. 0405-20A—** as shown sheet 6 of the works plans for scheme 0405 and comprising—

(i) works to effect the stopping up of part of existing Footpath 317/006;

(ii) the construction of a length of new bridleway from Crackenthorpe extending in a generally easterly direction towards the new A66; and

(iii) the construction of new private means of access (in part on the same alignment as the new bridleway) as shown on sheet 6 of the rights of way and access plans for scheme 0405;

(b) **Work No. 0405-20B**— as shown on sheet 6 of the works plans for scheme 0405 and comprising—

(i) the construction of a length of new bridleway between Crackenthorpe and the new A66;

(ii) works to effect the stopping up of part of existing Bridleway 317/012; and

(iii) the construction of new private means of access (in part on the same alignment as the new bridleway as shown on sheet 6 of the rights of way and access plans for scheme 0405;

(c) **Work No. 0405-20C**— as shown on sheet 6 of the works plans for scheme 0405 and comprising—

(i) the construction of a length of new bridleway between the new A66 and the existing Roman Road;

(ii) works to effect the stopping up of part of existing Bridleway 317/012; and

(iii) the construction of new private means of access (in part on the same alignment as the new bridleway) as shown on sheet 6 of the rights of way and access plans for scheme 0405.

Work No. 0405-21— as shown on sheet 7 of the works plans for scheme 0405 and comprising—

(a) the construction of a new bridleway crossing the new A66 via a new bridge (Proposed Roger Head Farm Bridge) (part of Work Nos. 0405-2A and 0405-2B);

(b) works to effect the stopping up of part of the existing Footpath 317/004 and private means of access north of the Proposed Roger Head Farm Bridge; and

(c) the construction of new private means of access between Roger Head Farm and Roger Head Farm Bridge as shown illustratively on sheet 7 of the rights of way and access plans for scheme 0405.

PART 4

SCHEME 06 – APPLEBY TO BROUGH

In the administrative area of Westmorland and Furness Council

The authorised development is situated in the administrative area of Westmorland and Furness Council;

A nationally significant infrastructure project as defined in sections 14 (nationally significant infrastructure projects: general) and 22 (highways) of the 2008 Act, and associated development within the meaning of section 115(2) (development for which development consent may be granted) of the 2008 Act, comprising—

Work No. 06-1— as shown on sheets 1 to 6 of the works plans for scheme 06 and being the construction of a new all-purpose dual carriageway ("the new A66") and improvements to the existing A66 ("the improved A66") between Appleby in Westmorland and Brough, to include—

(a) **Work No. 06-1A**— as shown on sheets 1 and 2 of the works plans for scheme 06 and comprising—

(i) the improvement of the existing A66 eastbound and westbound single lane carriageway;

(ii) the construction of an additional carriageway to upgrade the A66 eastbound and westbound single carriageway to a dual carriageway;

(iii) the construction of a new, replacement one-way private means of access road diverging from the eastbound carriageway of the new A66, passing between Café Sixty Six, and then merging back onto the eastbound carriageway of the new A66, as shown illustratively on sheet 1 of the rights of way and access plans for scheme 06;

(iv) the construction of a connection from Café Sixty Six private means of access to a new replacement private means of access to properties at Far Bank End and New Hall Farm, as shown illustratively on sheet 1 of the rights of way and access plans for scheme 06;

(v) the improvement of an existing underpass ("Far Bank End Underpass") to facilitate the passage beneath the improved A66 of a replacement private means of access, a new equestrian track (to link with existing bridleway 372.024) and a new footway (to link with existing Footpath 372/028), and to carry the improved A66 over the private means of access, equestrian track and footway, as shown illustratively on sheet 1 of the rights of way and access plans for scheme 06;

(vi) the construction of a new cycleway on the north side of the A66, between the westernmost extent of the scheme and the Far Bank End Underpass, providing a connection to existing Footpath 372/028;

(vii) the construction of replacement private means of access to Far Bank End and New Hall Farm, as shown illustratively on sheet 1 of the rights of way and access plans for scheme 06;

(viii) the construction of part of a new cycleway between the Far Bank End Underpass and the junction of the realigned B6259 with the improved A66 ("new Sandford Junction");

(ix) works to effect the stopping up of parts of Footpaths 372/028, 372/027 and 372/022, and of part of Bridleway 372/024, and of private means of access;

(x) the construction of new private means of access from the new Sandford Junction, following part of the route of the new cycleway, to land on the north side of the improved A66, as shown illustratively on sheets 1 and 2 of the rights of way and access plans for scheme 06;

(xi) the construction of a new underbridge ("Sandford Underbridge") beneath the improved A66 at the new Sandford Junction, to carry the new A66 link road (Work No. 06-2A) over the improved A66 (Work No.06-1A);

(xii) the construction of new private means of access to land on the north side of the new A66, following part of the route of a new cycleway, as shown on sheet 2 of the rights of way and access plans for scheme 06;

(xiii) the construction of new westbound diverge and merge tapers to connect the new realigned B6259 (Work No. 06-2C) to the new A66;

(xiv) the construction of new eastbound diverge and merge tapers to connect the new A66 (connector road) Work No. 06-2B to the realigned B6259 (Work No. 06-2C); and

(xv) the construction of part of a new cycleway between the new Sandford Junction and Warcop;

(b) **Work No. 06-1B**— as shown on sheets 2 and 3 of the works plans for scheme 06 and being—

(i) the improvement of the existing A66 eastbound and westbound single lane carriageway;

(ii) the construction of an additional carriageway to upgrade the A66 eastbound and westbound single carriageway to a dual carriageway;

(iii) works to effect the stopping up of Footpath 372/013;

(iv) the provision of new footway to connect the existing footpath 372/013, and passing beneath the new viaduct ("Cringle Beck Viaduct") on the south side of the new A66, as shown on sheets 2 and 3 of the rights of way and access plans for scheme 06;

(v) the construction of part of a new cycleway between Sandford (B6259) junction and Warcop, as shown on sheets 2 and 3 of the rights of way and access plans for scheme 06; and

(vi) the construction of private means of access as shown on sheets 2 and 3 of the rights of way and access plans for scheme 06;

(c) **Work No. 06-1C**— as shown on sheets 3 and 4 of the works plans for scheme 06 and being—

(i) the improvement of the existing A66 eastbound and westbound single lane carriageway;

(ii) the construction of an additional carriageway to upgrade the A66 eastbound and westbound single carriageway to a dual carriageway;

(iii) the construction of part of a new cycleway between the new Sandford Junction (Work No. 06-02) and Warcop;

(iv) works to effect the stopping up parts of the existing Roman Road, and of parts of Footpaths 372/014 and 372/021, and of private means of access;

(v) the provision of new footway to connect with existing Footpath 372/013, and extending along the south side of the new A66 before passing beneath the new Cringle Beck Viaduct;

(vi) the construction of the new Cringle Beck Viaduct, crossing the Cringle Beck and flood plain, to carry the new A66 over the Cringle Beck, and over private means of access and footways shown illustratively on sheet 3 of the rights of way and access plans for scheme 06;

(vii) the construction of private means of access, as shown illustratively on sheets 3 and 4 of the rights of way and access plans for scheme 06;

(viii) the construction of the new eastbound diverge and merge tapers for a new junction ("Warcop Eastbound Junction") (Work No. 06-3) between the new A66 and the de-trunked A66;

(ix) the construction of a new underpass ("Walk Mill Underpass") to carry a length of new footway (to connect with existing Footpath (372/021)) under the new A66;

(x) the construction of a new viaduct ("Moor Beck Viaduct") crossing the Moor Beck and flood plain, to carry the new A66 over the Moor Beck;

(xi) the provision of new footway via the Walk Mill Underpass, to connect with existing Footpath 372/021 on the south side of the new A66;

(xii) the construction of the new westbound diverge and merge tapers for a new junction ("Warcop Westbound Junction") between the new A66, the de-trunked A66 (Work No. 06-4) and an existing local village access road into Warcop (forming part of Work No. 06-5);

(xiii) the construction of a new overbridge ("Warcop Village Overbridge") crossing the new A66, to carry the realigned local village access road (forming part of Work No. 06-5) over the new A66 (part of Work No. 06-1C) and the new local access road (Work No. 06-4); and

(xiv) the construction of a new underbridge ("East Field Sike Underbridge") crossing the East Field Sike, to carry the new A66 over the East Field Sike;

(d) **Work No. 06-1CA—** as shown on sheet 3 of the works plans for scheme 06 and comprising—

(i) the provision of a new cycleway along part of the de-trunked A66, between the junction of the existing A66 with Moorhouse Lane and the new Warcop Eastbound Junction; and

(ii) works to support the de-trunking and reclassification of a length of the existing A66 as a local access road, between its existing junction with Moorhouse Lane and the new Warcop Eastbound Junction;

(e) **Work No. 06-1D**— as shown on sheets 4 to 6 of the works plans for scheme 06 and being—

(i) the improvement of the existing A66 eastbound and westbound single lane carriageway;

(ii) the construction of an additional carriageway to upgrade the A66 eastbound and westbound single carriageway to a dual carriageway;

(iii) the provision of water supply and hardstanding for the benefit of the Gypsy and Traveller Community on the relocated Brough Hill Fair site on the south side of the new A66;

(iv) the provision of new footway (to connect with existing Footpath 372/020) on the south side of the new A66, and passing under a new underbridge ("Flitholme Road Underbridge");

(v) the construction of the new Flitholme Road Underbridge, to carry the new A66 over a realigned length of Flitholme Road and over new footway (forming part of Work No. 06-6);

(vi) the construction of part of a new cycleway between Flitholme and Brough, as shown illustratively on sheets 5 and 6 of the rights of way and access plans for scheme 06;

(vii) the construction and installation of a new variable message sign;

(viii) the construction of a new overbridge ("West View Farm Overbridge") crossing the A66 and the new local road (forming part of Work No. 06-8), carrying new private means of access and new footway (to connect with existing Footpath 329/001) over the new A66 and new local road;

(ix) the construction of a new extension to Bullistone Bridge;

(x) works to effect the stopping up of part of Footpath 372/020 and of private means of access; and

(xi) the construction of new and replacement private means of access, as shown illustratively on sheet 6 of the rights of way and access plans for scheme 06.

Work No. 06-2— as shown on sheet 2 of the works plans for scheme 06 and being the construction of a new compact grade-separated junction connecting the new A66 eastbound and westbound carriageways with the realigned B6259, to include—

(a) **Work No. 06-2A**— as shown on sheet 2 of the works plans and being—

(i) the construction of part of a new junction link road (including new footway to connect with existing Footpath 372/022) (comprised of Work Nos. 06-2A and 06-2B) connecting the new A66 westbound carriageway (forming part of Work No. 06-1A) with the new realigned B6259 (Work No. 06-2C); and

(ii) the construction of new private means of access as shown on sheet 2 of the rights of way and access plans for scheme 06;

(b) **Work No. 06-2B**— as shown on sheet 2 of the works plans and being—

(i) the construction of part of a new junction link road (including new cycleway) (comprised of Work Nos. 06-2A and 06-2B) connecting the new A66 eastbound carriageway via diverge and merge tapers (forming part of Work No. 06-1A) with the realigned B6259 (forming part of Work No. 06-2C); and

(ii) the construction of new private means of access (including via part of the route of a new cycleway) to land on the north side of the new A66, as shown illustratively on sheets 1 and 2 of the rights of way and access plans for scheme 06;

(c) **Work No. 06-2C**— as shown on sheet 2 of the works plans for scheme 06 and being—

(i) the improvement and realignment of the existing B6259 road and the construction of a new connection to the new A66 westbound carriageway via diverge and merge tapers (forming part of Work No. 06-1A);

(ii) works to effect the stopping up of a length of the existing B6259); and

(iii) the construction of new private means of access off of the B6259, as shown illustratively on sheet 2 of the rights of way and access plans for scheme 06;

(d) **Work No. 06-2D**— as shown on sheet 2 of the works plans for scheme 06 and being the construction of a length of new footpath to provide the connectivity between Footpath 372/022 and the new realigned B6259 (Work No. 06-2C) (including footway) and thereafter to the new Sandford Underbridge crossing beneath the A66 (forming part of Work No. 06-1A).

Work No. 06-3— as shown on sheet 3 of the works plans for scheme 06 and being the construction of a new single carriageway road linking the new A66 with the old de-trunked A66, to include—

(a) the construction of a new single carriageway road linking the new A66 eastbound (forming part of Work No. 06-1C) with the existing de-trunked A66 (forming part of Work No. 06-4), via diverge and merge tapers (forming part of Work No. 06-1C) and comprising the new Warcop Eastbound Junction on the new A66 and;

(b) the construction of new cycleway on the north side of the new link road (forming part of the new cycleway between the new Sandford Junction ((Work No. 06-2) and Warcop);

(c) the construction of new footway (to provide a connection from the existing Footpath 372/021), via the new Walk Mill Underpass to the existing A66.

Work No. 06-4— as shown on sheets 3 to 5 of the works plans for scheme 06 and being the construction of a new single carriageway local road between Hayber Lane and Flitholme Road; to include—

(a) **Work No. 06-4A**— as shown on sheets 3 and 4 of the works plans for scheme 06 and being—

(i) the construction of part of a new single carriageway road between Hayber Lane and Flitholme Road replacing the existing A66;

(ii) the construction of part of a new cycleway and equestrian track between Hayber Lane and Flitholme Road, as shown on sheets 3 and 4 of the rights of way and access plans for scheme 06; and

(iii) the construction of a new local road junction to carry a new local village access road over the new A66 at Warcop (forming part of Work No. 06-5 — the new "Warcop Westbound Junction");

(b) **Work No. 06-4B**— as shown on sheets 4 and 5 of the works plans for scheme 06 and being—

(i) the construction of part of a new single carriageway road between Hayber Lane and Flitholme Road, replacing the existing A66;

(ii) the construction of part of a new local road junction connecting to Flitholme Road (forming part of Work No. 06-6); and

(iii) the construction of part of a new cycleway and equestrian track between Hayber Lane and Flitholme Road, as shown on sheets 4 and 5 of the rights of way and access plans for scheme 06.

Work No. 06-5— as shown on sheets 3 and 4 of the works plans for scheme 06 and being the construction of a new junction on the new A66 ("Warcop Westbound Junction") linking the new A66 with the new local village access road and the de-trunked A66 (forming part of Work No. 06-4), to include—

(a) the construction of a new single carriageway local village access road linking the new A66 westbound carriageway (forming part of Work No. 06-1C) with the existing de-trunked A66 (forming part of Work No. 06-4), via new westbound diverge and merge tapers and comprising the new Warcop Westbound Junction on the new A66;

(b) the construction of two new underbridges ("Warcop Junction West Underbridge") and "Warcop Junction East Underbridge") crossing the Moor Beck, to carry the new local village access road over the Moor Beck;

(c) works to effect the stopping up of a length of the existing Warcop Road;

(d) works to effect the stopping up of a length of the existing Station Road;

(e) the construction of new single carriageway local village access road running into Warcop from its connection with the new Warcop Westbound Junction); and

(f) the construction of a new local road connection to Station Road.

Work No. 06-6— as shown on sheets 4 and 5 of the works plans for scheme 06 and being the construction of the new single carriageway road ("Flitholme Road Underbridge") linking the realigned Flitholme Road with the existing A66, to include—

(a) the construction of a new single carriageway road (to link into the new "Flitholme – Langgrig Link" – Work No. 06-7A) between the realigned length of Flitholme Road (Work No. 06-7A) and the existing A66 (forming part of Work No. 06-04);

(b) works to effect the stopping up of a length of the existing Flitholme Road;

(c) the provision of new footway (to connect with existing Footpath 372/020) beneath the new Flitholme Road Underbridge, to connect to new cycleway (forming part of Work Nos. 06-1D and 06-4);

(d) the construction of new private means of access, as shown illustratively on sheet 5 of the rights of way and access plans for scheme 06; and

(e) the construction of a new equestrian track (from the connection of the new Flitholme Road with the existing Flitholme Road through the new Flitholme Road Underbridge) to connect to new cycleway and equestrian track (forming part of Work Nos. 06-1D and 06-4).

Work No. 06-7— as shown on sheet 5 of the works plans for scheme 06 and being the construction of a new realigned single carriageway road ("Flitholme – Langrigg Link") connecting into Flitholme Road via a new junction on the existing Langrigg Lane (forming part of Work No. 06-7B), to include—

(a) **Work No. 06-7A**— as shown on sheet 5 of the works plans for scheme 06 and being—

(i) the construction of part of a new single carriageway realigned road ("Flitholme – Langrigg Link") linking Flitholme with the new junction on the existing Langrigg Lane (forming part of Work 06-7B); and

(ii) the construction of a length of new equestrian track connecting to Flitholme Road (forming part of Work No. 06-6) and, via Flitholme Road, connecting to new cycleway (forming part of Work Nos. 06-1D and 06-4);

(b) **Work No. 06-7B**— as shown on sheet 5 of the works plans for scheme 06 and being—

(i) the construction of a new length of Langrigg Lane (forming part of Work No. 06-7A); and

(ii) works to effect the stopping up of a length of Langrigg Lane (including its junction with the westbound carriageway of the existing A66) and provision of a new turning head to the south of the existing A66.

Work No. 06-8— as shown on sheet 6 of the works plans for scheme 06 and being the construction of the new single carriageway local access road connecting the existing de-trunked A66 into Main Street, Brough, to include—

(a) the construction of a new single carriageway local access road connecting the existing de-trunked A66 with Main Street, Brough on the north side of the new A66 (forming part of Work No. 06-1D);

(b) the construction of new private means of access, as shown illustratively on sheet 6 of the rights of way and access plans for scheme 06;

(c) the construction of a new cycleway between the existing de-trunked A66 and Main Street, Brough; and

(d) the construction of a new noise barrier.

Work No. 06-9— as shown on sheet 4 of the works plans for scheme 06 and being the provision of facilities for use by and for the benefit of the Ministry of Defence (MoD), to include—

(a) the provision of a replacement compound including buildings, associated amenities, storage areas, loading and unloading areas, a filling station, hard-standings, and private means of access; and

(b) an area laid out for use as a playing field or sports pitch, together with associated facilities, including pavilion, storage shed, parking area, hard-standing, and private means of access (including the provision of passing places) via Castlehill.

PART 5

SCHEME 07 – BOWES BYPASS

In the administrative area of Durham County Council

The authorised development is situated in the administrative area of Durham County Council.

A nationally significant infrastructure project as defined in sections 14 (nationally significant infrastructure projects: general) and 22 (highways) of the 2008 Act, and associated development within the meaning of section 115(2) (development for which development consent may be granted) of the 2008 Act, comprising—

Work No. 07-1— as shown on sheets 1 to 3 of the works plans for scheme 07 and being the construction of the eastbound carriageway of a new all-purpose dual carriageway ("the new A66") and improvements to the existing A66 ("the improved A66") at Bowes, to include—

(a) **Work No. 07-1A**— as shown on sheets 1 to 3 of the works plans for scheme 07 and being the construction of the new eastbound all-purpose dual carriageway, to include—

(i) the improvement of the existing A66 eastbound dual lane carriageway;

(ii) the construction of a new layby on the north side of the A66;

(iii) the construction and installation of a new variable message sign;

(iv) construction of a new eastbound diverge slip road to connect the eastbound A66 to A67 (Work No. 07-5) at Bowes Junction;

(v) construction of a new bus layby on the north side of the A66 eastbound diverge slip road;

(vi) improvements to and extension of the existing Lyndale Farm underpass which carries an existing private means of access under the A66, including the improvement of the private means of access track;

(vii) the construction of a new bridge to carry the new A66 and the A67 (Work No. 07-5);

(viii) works to effect the stopping up of existing private means of access and underpass at Bowes Hall;

(ix) works to effect the stopping up of existing private means of access into agricultural land on the north side of the A66 at Bowes Hall and to the east of Bowes Hall;

(x) the construction of a new A66 eastbound merge slip road connecting the A67 (Work No. 07-5) to the eastbound carriageway of the A66;

(xi) works to effect the stopping up of existing private means of access accessed via the eastbound carriageway of the A66 into agricultural land; and

(xii) the construction of new private means of access as shown on sheets 1 and 2 of the rights of way and access plans for scheme 07;

(b) **Work No. 07-1B**— as shown on sheet 3 of the works plans for scheme 07 and being the construction of the new eastbound all-purpose dual carriageway, to include—

(i) the improvement of the existing A66 eastbound dual lane carriageway;

(ii) works to effect the stopping up of private means of access onto the existing A66 from Low Broats Farm and from High Broats Farm;

(iii) the construction of new private means of access as shown on sheet 3 of the rights of way and access plans for scheme 07; and

(iv) the construction of a new footway on the north side of the A66 for the realignment of Bowes Footpath 12; and

(c) **Work No. 07-1C**— as shown on sheet 3 of the works plans for scheme 07 and being the construction of the new eastbound all-purpose dual carriageway, to include—

(i) the improvement of the existing A66 eastbound dual lane carriageway;

(ii) works to effect the closure of existing gaps in the central reserve of the A66 at the access to Hulands Quarry;

(iii) works to effect the closure of an existing gap in the central reserve of the A66 at the access to Bowes Cross Farm;

(iv) the construction of new private means of access as shown on sheet 3 of the rights of way and access plans for scheme 07; and

(v) the construction of a new footway on the north side of the A66 for the realignment of Bowes Footpath 12.

Work No. 07-2— as shown on sheets 1 to 3 of the works plans for scheme 07 and being the construction of the westbound carriageway of a new all-purpose dual carriageway ("the new A66") and improvements to the existing A66 ("the improved A66") at Bowes, to include—

(a) **Work No. 07-2A**— as shown on sheets 1 to 3 of the works plans for scheme 07 and being the construction of the new westbound all-purpose dual carriageway road, to include—

(i) the improvement of the existing A66 westbound dual lane carriageway;

(ii) the construction and installation of a new variable message sign;

(iii) the construction of a retaining wall on the south side of the A66 and associated works;

(iv) the construction of new private means of access, west of Clint Lane Overbridge, as shown illustratively on sheet 1 of the rights of way and access plans for scheme 07;

(v) the construction of a new A66 westbound merge slip road connecting the A67 (Work No. 07-5) to the westbound carriageway of the A66 at Bowes Junction;

(vi) the construction of new private means of access to agricultural land and premises, and to attenuation ponds, as shown illustratively on sheet 2 of the rights of way and access plans for scheme 07;

(vii) construction of a new westbound diverge slip road from the westbound carriageway of the A66 to the improved unnamed side road (forming part of Work No. 07-5);

(viii) works to effect the stopping up of private means of access from the western carriageway of the A66 and from the unnamed side road (Work No. 07-5) as shown on sheet 2 of the rights of way and access plans for scheme 07); and

(ix) works to stop up the existing junction between the existing A66 and The Street;

(b) **Work No. 07-2B**— as shown on sheet 3 of the works plans for scheme 07 and being the construction of the new westbound all-purpose dual carriageway, to include—

(i) the improvement of the existing A66 westbound dual lane carriageway;

(ii) works to effect the stopping up of private means of access to Mid Lowfield from the existing A66;

(iii) the construction of new private means of access as shown on sheet 3 of the rights of way and access plans for scheme 07; and

(iv) the construction of a new layby on the south side of the A66, east of the existing Mid Lowfields Farm access;

(c) **Work No. 07-2C**— as shown on sheet 3 of the works plans for scheme 07 and being the construction of the new westbound all-purpose dual carriageway, to include—

(i) the improvement of the existing A66 westbound dual lane carriageway;

(ii) works to effect the stopping up of private means of access from the A66 to the East Lowfield Farm and to Bowes Cross Farm;

(iii) the construction of new private means of access as shown on sheet 3 of the rights of way and access plans for scheme 07; and

(iv) works to effect the closure of the existing gap in the central reserve of the A66 at the access to East Lowfield Farm.

Work No. 07-3— as shown on sheet 1 of the works plans for scheme 07 and being the works to effect the stopping up of part of the existing Bowes Footpath 18 and the construction of a length of new public footpath (around the north side of an attenuation pond).

Work No. 07-4— as shown on sheet 1 of the works plans for scheme 07 and comprising—

(a) the improvement of existing private means of access to agricultural land adjoining Clint Lane, as shown illustratively on sheet 1 of the rights of way and access plans for scheme 07;

(b) works to effect the stopping up of a length of Clint Lane and the associated removal of the existing Clint Lane Overbridge;

(c) the construction of a new replacement overbridge to carry the improved Clint Lane over the new A66; and

(d) the improvement of part of the existing Clint Lane.

Work No. 07-5— as shown on sheet 2 of the works plans for scheme 07 and comprising—

(a) the improvement of the existing A67;

(b) works to effect the stopping up of a length of the existing A67; and

(c) the construction of new private means of access, as shown illustratively on sheets 1 and 2 of the rights of way and access plans for scheme 07.

Work No. 07-6— as shown on sheet 2 of the works plans for scheme 07 and comprising—

(a) the improvement of the existing Blacklodge Farm Underpass and the improvement of existing private means of access, as shown illustratively on sheet 2 of the rights of way and access plans for scheme 07;

(b) the construction of a length of new footpath (linking into existing Bowes Footpath 6) on the north side and then on the south side of the new A66, passing under the A66 via the Blacklodge Farm underpass;

(c) on the north side of the new A66 and passing under the new A66 via the Blacklodge Farm underpass, a new private means of access on the same alignment as part of the new footpath, as shown illustratively on sheet 2 of the rights of way and access plans for scheme 07;

(d) works to effect the stopping up of part of the existing public right of way, Bowes Footpath 6; and

(e) the construction of new private means of access as shown illustratively on sheet 2 of the rights of way and access plans for scheme 07.

Work No. 07-7— as shown on sheets 2 and 3 of the works plans for scheme 07 and being the construction of a length of new highway, from The Street on the south side of the existing A66, and passing over the A66 to its north side, comprising—

(a) **Work No. 07-7A—** as shown on sheets 2 and 3 of the works plans for scheme 07 and comprising—

(i) the construction of a length of new highway from The Street on the south side of the existing A66, linking to the East Bowes Accommodation Overbridge (Work No. 07-7B); and

(ii) works to effect the stopping up of a length of The Street / Low Road;

(b) **Work No. 07-7B—** as shown on sheet 3 of the works plans for scheme 07 and comprising—

(i) the construction of a length of new highway on the south side of the A66 (linking with Work No. 07-7A) and passing over the new A66 (via the East Bowes Accommodation Overbridge) to the north side of the new A66;

(ii) the construction of a new accommodation access bridge (East Bowes Accommodation Overbridge) carrying the new highway over the new A66;

(iii) the construction of a new footway along the route of the new highway (part of Work No. 07-7B); and

(iv) the construction of private means of access as shown illustratively on sheet 3 of the rights of way and access plans for scheme 07.

Work No. 07-8— as shown on sheet 3 of the works plans for scheme 07 and being the construction of a length of new footpath (linking with the new highway (Work No. 07-7)) on the south side of the new A66, to include—

(a) the construction of a length of new footpath running from its junction with the new highway (Work No. 07-7) on the south side of the new A66; and

(b) the construction of new private means of access (including to Mid Lowfield Farm, East Lowfield Farm and Bowes Cross Farm), partially sharing the same alignment as the length of new footpath, as shown illustratively on sheet 2 of the rights of way and access plans for scheme 07.

Work No. 07-9— as shown on sheet 3 of the works plans for scheme 07 and being the construction of a length of new footpath (linking with the new highway (Work No. 07-7B)) on the north side of the new A66, to include—

(a) the construction of new private means of access (including to Low Broats Farm and High Broats Farm), on the same alignment as the length of new footpath, as shown illustratively on sheet 3 of the rights of way and access plans for scheme 07; and

(b) the construction of a new footpath for the realignment of Bowes Footpath 12.

Work No. 07-10— as shown on sheet 3 of the works plans for scheme 07 and comprising—

(a) the improvement of the existing access to Hulands Quarry; and

(b) the construction of footpath to connect existing Bowes Footpath 6 at Hulands Quarry to the realigned Bowes Footpath 12 constructed as part of Work No. 07-9.

PART 6

SCHEME 08 – CROSS LANES TO ROKEBY

In the administrative area of Durham County Council

The authorised development is situated in the administrative area of Durham County Council.

A nationally significant infrastructure project as defined in sections 14 (nationally significant infrastructure projects: general) and 22 (highways) of the 2008 Act, and associated development within the meaning of section 115(2) (development for which development consent may be granted) of the 2008 Act, comprising—

Work No. 08-1— as shown on sheets 1 to 3 of the works plans for scheme 08 and being the construction of a new all-purpose dual carriageway ("the new A66") and improvements to the existing A66 ("the improved A66") between Cross Lanes and Rokeby, to include—

(a) **Work No. 08-1A**— as shown on sheet 1 of the works plans for scheme 08 and being the construction of a new all-purpose dual carriageway and improvements to the existing A66, to include—

(i) the improvement of the existing A66 eastbound and westbound dual lane carriageway;

(ii) works to effect the stopping up of the existing junction of Rutherford Lane with the A66;

(iii) works to effect the stopping up of existing private means of access to property at Pounder Gill and associated construction of new private means of access via Rutherford Lane, as shown illustratively on sheet 1 of the rights of way and access plans for scheme 08;

(iv) works to effect the stopping up of existing private means of access at North Bitts;

(v) works to effect the stopping up of a length of Bowes Footpath 1 and Rokeby Footpath 7;

(vi) the construction of new private means of access, as shown illustratively on sheet 1 of the rights of way and access plans for scheme 08; and

(vii) works to effect the removal of the existing observation platform at North Bitts;

(b) **Work No. 08-1B**— as shown on sheet 1 of the works plans for scheme 08 and being the construction of the new all-purpose dual carriageway and improvements to the existing A66, to include—

(i) the construction of new eastbound diverge and merge tapers for a new compact grade-separated junction (Work No. 08-4A) linking the proposed A66 with the realigned Moorhouse Lane link road (Work No. 08-5);

(ii) the construction of new westbound diverge and merge tapers for a new compact grade-separated junction (Work No. 08-4B) linking the proposed A66 with the realigned Moorhouse Lane link road (Work No. 08-5);

(iii) the construction of a new Cross Lanes Junction bridge to carry the new realigned B6277 (forming part of Work No. 08-5) over the new A66;

(iv) works to effect the stopping up of the existing junction of the B6277 with the westbound carriageway of the A66;

(v) works to effect the stopping up of private means of access to property from the A66 mainline;

(vi) the construction of new private means of access, as shown illustratively on sheet 1 of the rights of way and access plans for scheme 08; and

(vii) works to effect the stopping up of the existing junction of Moorhouse Lane with the eastbound carriageway of the A66;

(c) **Work No. 08-1C**— as shown on sheets 1 to 3 of the works plans and being the construction of the new all-purpose dual carriageway and improvements to the existing A66, to include —

(i) the construction and installation of new variable message sign on the south side of the new A66;

(ii) the construction of new laybys and observation platforms on both sides of the new A66;

(iii) works to effect the stopping up of private means of access to Street Side Farm from the existing A66, with new private means of access provided as part of Work No. 08-5;

(iv) works to effect the stopping up of private means of access to Birk House Farm from the exiting A66, with new private means of access provided as part of Work No. 08-6;

(v) works to effect the stopping up of existing private means of access to the fields east of Streetside Farm;

(vi) works to effect the stopping up of private means of access to Tutta Beck Farm and Cottages from the existing A66, and the construction of new replacement private means of access, as shown illustratively on sheet 2 of the rights of way and access plans for scheme 08;

(vii) the construction of a new eastbound diverge taper for a new compact grade-separated junction (Work Nos. 08-8A and 08-8B) linking the new A66 with the de-trunked A66 (now C108) (Work No. 08-8C);

(viii) the construction of new westbound diverge and merge tapers for a new compact grade-separated junction (Work Nos. 08-8A and 08-8B) linking the proposed A66 with the de-trunked A66 (now C108) (Work No. 08-8C);

(ix) works to effect the stopping up of private means of access (including to Ewebank Farm and Tack Room Cottage), and the construction of new private means of access, as shown illustratively on sheet 3 of the rights of way and access plans for scheme 08;

(x) works to effect the stopping up of a length of Rokeby Footpath 6;

(xi) the construction of new private means of access, as shown illustratively on sheets 2 and 3 of the rights of way and access plans for scheme 08; and

(xii) the construction of a new eastbound merge slip road connecting the new C165 Barnard Castle roundabout (part of Work No. 08-8C) with the eastbound carriageway of the new A66.

Work No. 08-2— as shown on sheet 1 of the works plans for scheme 08 and being the construction of a new footpath and private means of access, comprising—

(a) the construction of a length of new footway, linking Bowes Footpath 1 with Rokeby Footpath 7;

(b) the construction of new private means of access, as shown illustratively on sheet 1 of the rights of way and access plans for scheme 08; and

(c) works to effect the stopping up of Bowes Footpath 1 and Rokeby Footpath 7.

Work No. 08-3— as shown on sheet 1 of the works plans for scheme 08 and being the construction of a length of new footpath to connect the existing Rokeby Footpath 7 with the existing Rokeby Footpath 8.

Work No. 08-4— as shown on sheet 1 of the works plans for scheme 08 and being the construction of the compact connector roads, connecting the improved A66 to the new realigned B6277 (forming part of Work No. 08-5), comprising—

(a) **Work No. 08-4A**— as shown on sheet 1 of the works plans for scheme 08 and being—

(i) the construction of a new Cross Lanes junction eastbound connector road linking the new A66 eastbound carriageway to the new B6277 Moorhouse Lane (Work No. 08-5); and

(ii) the construction of new private means of access for North Bitts via the eastbound compact connector road, as shown illustratively on sheet 1 of the rights of way and access plans for scheme 08;

(b) **Work No. 08-4B**— as shown on sheet 1 of the works plans for scheme 08 and being the construction of a new Cross Lanes Junction westbound connector road linking the new A66 westbound carriageway to the new B6277 Moorhouse Lane (Work No. 08-5).

Work No. 08-5— as shown on sheet 1 of the works plans for scheme 08 and being the construction of the new B6277 Moorhouse Lane link road, comprising—

(a) the construction of a new link road and bridge over the new A66 (Work No. 08-1B) connecting the B6277 Moorhouse Lane (to the north of the A66) with Rutherford Lane (to the south of the A66);

(b) the construction of new and improved lengths of carriageway, connecting Rutherford Lane with the new link road;

(c) works to effect the stopping up of Rutherford Lane between the new realigned link road and the realigned Rutherford Lane;

(d) the construction of new private means of access, as shown illustratively on sheet 2 of the rights of way and access plans for scheme 08;

(e) works to effect the stopping up of a short length of Rokeby Footpath 8;

(f) the construction of a length of new road to connect the new link road (north of Ivy Cottage) to the existing B6277 Moorhouse Lane North;

(g) improvements to the existing Moorhouse Lane (North) carriageway; and

(h) works to effect the stopping up of a length of Moorhouse Lane between the new link road and the new carriageway on Moorhouse Lane (North).

Work No. 08-6— as shown on sheet 1 of the works plans for scheme 08 and being the construction of a new side road around the north of the Cross Lanes Farm Shop, comprising—

(a) the construction of a length of new road connecting the existing Moorhouse Lane on the south side of the A66 with the new link road (Work No. 08-5);

(b) works to alter the existing access to Cross Lanes Farm Shop and Café to facilitate entry and exit;

(c) works to effect the stopping up of the existing exit from the Cross Lanes Farm Shop Café; and

(d) the construction of new private means of access, as shown illustratively on sheets 1 and 2 of the rights of way and access plans for scheme 08.

Work No. 08-7— as shown on sheets 1 and 2 of the works plans for scheme 08 and being—

(a) the construction of a length of new cycle track extending eastwards from its junction with the existing Moorhouse Lane (North) (Work No. 08-5) to the new Rokeby Junction (Work No. 08), where it links with the de-trunked A66 (Work No. 08-8C); and

(b) the construction of new private means of access (off Moorhouse Lane) as shown illustratively on sheets 1 and 2 of the rights of way and access plans for scheme 08.

Work No. 08-8— as shown on sheets 2 and 3 of the works plans for scheme 08 and being the construction of the new Rokeby Junction and improvement of the existing A66, comprising—

(a) **Work No. 08-8A**— as shown on sheet 2 of the works plans for scheme 08, to include—

(i) the construction of new connector road comprising part of a new compact grade-separated junction ("new Rokeby Junction"), connecting the new A66 to a de-trunked length of the existing A66;

(ii) the construction of a new underbridge, forming part of the new Rokeby Junction, and carrying the new connector road under the new A66;

(iii) the construction of new cycleway from the existing public footpath west of St. Mary's Church (Rokeby Footpath 5), following the new junction and connecting with the new cycle track on the south side of the A66 (forming part of Work No. 08-9); and

(iv) the construction of new private means of access to Rokeby Grange, connecting the existing access to the connector road for the new Rokeby Junction, as shown illustratively on sheet 2 of the rights of way and access plans for scheme 08;

(b) **Work No. 08-8B**— as shown on sheet 2 of the works plans for scheme 08 and being the construction of new eastbound connector road at the new Rokeby Junction, connecting the eastbound carriageway of the new A66 to a de-trunked length of the existing A66; and

(c) **Work No. 08-8C**— as shown on sheet 3 of the works plans for scheme 08 and being the improvement of a de-trunked length of the existing A66, to include—

(i) the construction of a new roundabout at the existing junction of the A66 with the C165 Barnard Castle Road; and

(ii) the construction of a length of new realigned C165 Barnard Castle Road connecting the existing C165 Barnard Castle Road to the new roundabout.

Work No. 08-9— as shown on sheet 2 and 3 of the works plans for scheme 08 and being the construction of a public right of way, comprising—

(a) construction of a length of new cycle track from the new Rokeby Junction, eastwards towards Greta Bridge, and linking into existing cycleway provision which extends north-westwards out of Greta Bridge;

(b) the construction of new private means of access to Tutta Beck Farm and Cottages as shown illustratively on sheet 2 of the rights of way and access plans for scheme 08;

(c) the construction of new private means of access, on the same alignment as the new cycle track ((a) above), to land and premises (including Ewebank Farm, attenuation pond, and Tack Room Cottages), as shown illustratively on sheet 3 of the rights of way and access plans for scheme 08; and

(d) works to effect the stopping up of a length of Rokeby Footpath 6.

PART 7

SCHEME 09 – STEPHEN BANK TO CARKIN MOOR

In the administrative area of the North Yorkshire Council

The authorised development is situated in the administrative area of the North Yorkshire Council.

A nationally significant infrastructure project as defined in sections 14 (nationally significant infrastructure projects: general) and 22 (highways) of the 2008 Act, and associated development within the meaning of section 115(2) (development for which development consent may be granted of the 2008 Act, comprising—

Work No. 09-1— as shown on sheets 1 to 4 of the works plans for scheme 09 and being the construction of a new all-purpose dual carriageway ("the new A66") and improvements to the existing A66 ("the improved A66") between Stephen Bank and Carkin Moor, to include—

(a) **Work No. 09-1A**— as shown on sheets 1 and 2 of the works plans for scheme 09 and being the construction of new carriageways of the A66 from a point 676 metres to the west of the junction of the A66 with the access to Browson Bank and continuing in an easterly direction, to include—

(i) the improvement of the existing A66 eastbound carriageway;

(ii) works to effect the stopping up of private means of access to the A66 from Browson Bank Farm;

(iii) works to effect the closure of the central reserve on the A66 opposite the private means of access to Browson Bank Farm;

(iv) the construction of new carriageway connecting the existing A66 to the westbound carriageway of the new A66 dual carriageway; and

(v) the construction of a layby and observation platform on the westbound carriageway including the provision of a footway at the rear of the layby;

(b) **Work No. 09-1B**— as shown on sheets 2 and 3 of the works plans for scheme 09 and being—

(i) the construction of new carriageways of the A66; and

(ii) the construction of a layby and observation platform on the eastbound carriageway, including the provision of a footway at the rear of the layby;

(c) **Work No. 09-1C**— as shown on sheets 3 and 4 of the works plans for scheme 09 and being the construction of new carriageways of the A66, to include—

(i) the construction of new eastbound diverge and merge tapers for a new compact grade-separated junction (Work No. 09-8A) linking the proposed A66 with de-trunked A66 (Work No. 09-3D); and

(ii) the construction of new westbound diverge and merge tapers for a new compact grade-separated junction (Work No. 09-8B) linking the proposed A66 with de-trunked A66 (Work No. 09-3D);

(d) **Work No. 09-1D**— as shown on sheet 4 of the works plans for scheme 09 and being—

(i) the construction of new carriageways of the A66; and

(ii) the construction of a new retaining wall and associated works on the south side of the A66 dual carriageway;

(e) **Work No. 09-1E**— as shown on sheet 4 of the works plans for scheme 09, to include—

(i) the construction of new westbound carriageway of the A66; and

(ii) works to effect the closure of the central reserve on the A66 opposite the access to Warrener Lane;

(f) **Work No. 09-1F**— as shown on sheet 4 of the works plans for scheme 09 and being the construction of new eastbound carriageway of the A66;

(g) **Work No. 09-1G**— as shown on sheet 4 of the works plans for scheme 09 and being the improvement of the existing A66 westbound carriageway; and

(h) **Work No. 09-1H**— as shown on sheet 4 of the works plans for scheme 09 and being the improvement of the existing A66 eastbound carriageway.

Work No. 09-2— as shown on sheets 1 and 2 of the works plans for scheme 09 and comprising the construction of a new bridleway on the north side of the new A66, to include—

(a) works to effect the stopping up of a length of existing Bridleway Hutton Magna 12 southwards, for the remainder of its length, from the point where it meets the new private means of access, as shown on sheet 1 of the rights of way and access plans for scheme 09;

(b) the construction of new bridleway, from the stopped-up Bridleway Hutton Magna 12 in an easterly direction, passing beneath the A66 via an accommodation underpass ((e) below), to connect with the realigned de-trunked A66 (on the south side of the new A66);

(c) the construction of new private means of access on the north side of the A66, running parallel to the A66, and through the accommodation underpass ((e) below), facilitating access to agricultural land on the north of the new A66 and access to the de-trunked A66 on the south, as shown illustratively on sheets 1 and 2 of the rights of way and access plans for scheme 09;

(d) the construction of new private means of access to agricultural land to the north and to the east and west of the new bridleway and private means of access, as shown illustratively on sheets 1 and 2 of the rights of way and access plans for scheme 09; and

(e) the construction of a new accommodation underpass to carry the bridleway under the new A66.

Work No. 09-3— as shown on sheets 1 to 4 of the works plans for scheme 09 and being the construction, improvement and de-trunking of the existing A66, to include—

(a) **Work No. 09-3A**— as shown on sheets 1 and 2 of the works plans for scheme 09 and being—

(i) the construction of new private means of access to land (including Browson Bank and an attenuation pond), as shown illustratively on sheet 1 of the rights of way and access plans for scheme 09;

(ii) the construction of an equestrian track on the north side of the carriageway, commencing from the new accommodation underpass (Work No. 09-2) and continuing in an easterly direction;

(iii) works to effect the stopping up of access to land on the north side of the existing A66, opposite the existing junction of the A66 with Dick Scot Lane, as shown illustratively on sheet 2 of the rights of way and access plans for scheme 09; and

(iv) the improvement of the northernmost length of the existing Dick Scot Lane where it meets the de-trunked A66 and the new equestrian track;

(b) **Work No. 09-3B**— as shown on sheet 2 of the works plans for scheme 09 and being the construction of a new realigned section of the de-trunked A66, to include—

(i) the construction of the new realigned carriageway of the existing A66;

~~(i)~~(ii) the construction of a new roundabout on the existing A66 at its junction with Collier Lane;

~~(ii)~~(iii) works to effect the stopping up of a length of existing Footpath 20.55/1/1 as shown illustratively on sheet 2 of the rights of way and access plans for scheme 09;

Commented [PM1]: Amendments to Work No. 09-3B are related to **Proposed Change 1 - Collier Lane**.

~~(iii)~~(iv) works to effect the stopping up of private means of access to agricultural land on the south side of the A66 and the construction of new replacement private means of access, to the east of Dick Scot Lane, as shown illustratively on sheet 2 of the rights of way and access plans for scheme 09;

~~(iv)~~(v) works to effect the stopping up of private means of access to Old Dunsa Bank and the construction of a new private means of access, as shown illustratively on sheet 2 of the rights of way and access plans for scheme 09;

~~(v)~~(vi) works to effect the stopping up of private means of access into agricultural land on the south side of the A66 and the construction of new replacement private means of access, to the west of Collier Lane, as shown illustratively on sheet 2 of the rights of way and access plans for scheme 09;

~~(vi)~~(vii) works to effect the stopping up of a redundant length of the existing A66 where the new A66 deviates to the north of the de-trunked A66;

~~(vii)~~(viii) the construction of a length of new footway along the route of part of the de-trunked A66 to connect to the existing Footpath 20.55/1/1;

~~(viii)~~(ix) the construction of a new private means of access to land (including attenuation ponds) on the west side of Waitlands Lane, as shown illustratively on sheet 2 of the rights of way and access plans for scheme 09;

~~(ix)~~(x) the construction of a new pedestrian crossing west of the junction of Collier Lane with the de-trunked A66, to enable connectivity with the new footway ((vii) above);

~~(x)~~(xi) the construction of new private means of access to agricultural land on the north side of the de-trunked A66, east of Collier Lane, as shown illustratively on sheet 2 of the rights of way and access plans for scheme 09; and

~~(xi)~~(xii) the construction of an equestrian track on the ~~north~~south side of the carriageway of the de-trunked A66;

(c) **Work No. 09-3C**— as shown on sheets 2 and 3 of the works plans for scheme 09 and being—

(i) the provision of an equestrian track on the north side of the carriageway of the de-trunked A66; and

(ii) the construction of new private means of access to agricultural land on the north side of the de-trunked A66, as shown illustratively on sheet 3 of the rights of way and access plans for scheme 09;

(d) **Work No. 09-3D**— as shown on sheets 3 and 4 of the works plans for scheme 09 and being the construction of new carriageway on the de-trunked A66, to include—

(i) the construction of an equestrian track on the north side ~~of the carriageway~~ of the de-trunked A66;

(ii) the construction of a new private means of access to agricultural land on the north side of the carriageway, as shown illustratively on sheet 3 of the rights of way and access plans for scheme 09;

(iii) the construction of new private means of access to land (including attenuation ponds) on the north side of the de-trunked A66, as shown illustratively on sheet 3 of the rights of way and access plans for scheme 09;

(iv) the construction of new private means of access to land (including attenuation ponds) on the south side of the de-trunked A66, to connect to the new bridleway (and private means of access) (Work No. 09-11), as shown illustratively on sheet 3 of the rights of way and access plans for scheme 09; and

(v) the provision of new at-grade crossing facilities for non-motorised users on the de-trunked A66;

(e) **Work No. 09-3E**— as shown on sheets 3 and 4 of the works plans for scheme 09 and comprising—

Commented [PM2]: The amendment to Work No. 09-3D is related to **Proposed Change 2 - Mains Gill Junction Bridleway**.

(i) the construction of new carriageway and re-alignment of existing carriageway of the de-trunked A66; and

(ii) the construction of an equestrian track on the north side of the de-trunked A66;

(f) **Work No. 09-3F**— as shown on sheet 4 of the works plans for scheme 09 comprising—

(i) the construction of new carriageway and re-alignment of existing carriageway of the de-trunked A66;

(ii) the construction of an equestrian track on the north side of the de-trunked A66; and

(iii) the construction of new private means of access to land (including attenuation ponds), as shown illustratively on sheet 4 of the rights of way and access plans for scheme 09;

(g) **Work No. 09-3G—** as shown on sheet 4 of the works plans for scheme 09 and comprising—

(i) the construction of new carriageway to connect the realigned de-trunked A66 with Warrener Lane;

(ii) the construction of an equestrian track on the north side of the de-trunked A66;

(iii) works to effect the stopping up a length of the existing Warrener Lane southwards from its junction with the existing A66 to the point where it meets the realigned de-trunked A66; and

(iv) the provision of a new at-grade equestrian crossing facility.

Work No. 09-4— as shown on sheets 2 and 3 of the works plans for scheme 09 and being the construction of a new footpath, to include—

(a) works to effect the stopping up of a length of existing Footpath 20.72/1/1 to the south-west of West Layton Nursery, for the remainder of its length, from the point where it meets the boundary of the new A66;

(b) the construction of a length of new footpath to connect Footpath 20.72/1/1 to the Collier Lane overbridge (forming part of Work No. 09-5);

(c) works to effect the stopping up of Footpath 20.23/8/1, from the point where it meets the boundary of the new A66; and

(d) the construction of a new footpath on the north side of the carriageway to connect Footpath 20.23/8/1 to the Collier Lane overbridge (forming part of Work No. 09-5).

Work No. 09-5— as shown on sheet 2 of the works plans for scheme 09 and being the construction of a new overbridge and the realignment of Collier Lane to the existing de-trunked A66 carriageway, to include—

(a) works to effect the stopping up of a section of Collier Lane, from its existing junction with the A66 in a north-easterly direction for a distance of ~~160~~149 metres;

(b) the provision of a pedestrian crossing on the north side of the new overbridge;

(c) the construction of the overbridge linking Collier Lane to the existing de-trunked A66; ~~and~~

(d) the construction of new footway on the eastern side of the overbridge to connect the existing Footpaths 20.72/1/1 and 20.23/8/1 with the de-trunked A66 on the south side of the new A66~~.~~; and

~~(d)~~(e) the construction of a new roundabout at the junction of Collier Lane and the existing de-trunked A66.

Work No. 09-6— as shown on sheets 2 and 3 of the works plans and being the construction of a new footpath connecting the new equestrian track on the north side of the de-trunked A66 to the existing Footpath 20.23/8/1 on the south side of the new A66.

Work No. 09-7— as shown on sheet 2 of the works plans for scheme 09 and comprising the construction of a new footpath, to include—

Commented [PM3]: Amendments to Work No. 09-5 are related to **Proposed Change 1 - Collier Lane**.

Commented [PM4]: Reinsertion of Work No. 09-7 is related to **Proposed Change 1 - Collier Lane**.

(a) works to effect the stopping up of a length of existing Footpath 20.55/1/1 at its intersection with the de-trunked A66 (Work No. 09-3B); and

(b) the construction of a length of new footpath connecting the existing Footpath 20.55/1/1 to the de-trunked A66 (Work No. 09-3B).

Work No. 09-8— as shown on sheet 3 of the works plans for scheme 09 and being the construction of the new compact grade separated junction at Mains Gill ("the new Mains Gill Junction") between the realigned, de-trunked A66 and the improved A66, comprising—

(a) **Work No. 09-8A**—

(i) the construction of a new eastbound compact connector road;

(ii) the construction of a new underbridge to carry the connector road under the improved A66 (Work No. 09-1C);

(iii) the provision of an equestrian crossing facility; and

(iv) the construction of an equestrian track on a length of the east side of the carriageway from the realigned Moor Lane (Work No. 09-8C) to the crossing facility ((iii) above); ~~and~~

~~(v) the construction of an equestrian track on the west side of the carriageway from the crossing facility ((iii) above) to the crossing facility on the westbound connector road (Work No. 09-8B);~~

(b) **Work No. 09-8B**~~—~~

~~(i)~~ the construction of a new westbound compact connector road; and

~~(ii) the provision of a new pedestrian / equestrian crossing facility; and~~

~~(iii) the construction of an equestrian track to link to the equestrian track on the north side of the de-trunked A66; and~~

(c) **Work No. 09-8C**—

(i) the construction of a new realigned length of Moor Lane to connect the existing Moor Lane to the new eastbound compact connector road (and then the new underbridge) (forming part of Work No. 09-8A);

(ii) works to effect the stopping up of a length of the existing Moor Lane between the realigned Moor Lane link road and the de-trunked A66 (forming part of Work No. 09-3C); and

(iii) the construction of an equestrian track on the south side of the Moor Lane link road, linking the new equestrian track on the east side of the underbridge (part of Work No. 09-8A) to the new bridleway (Work No. 09-9).

Work No. 09-9— as shown on sheets 3 and 4 of the works plans for scheme 09 and comprising the construction of a new bridleway, to include—

(a) works to effect the stopping up of a length of its existing Bridleway 20.23/5/1 southwards, from the point at which it meets the new A66, to its terminus; and

(b) the construction of a new bridleway commencing from its junction with the new realigned Moor Lane (forming part of Work No. 09-8C) and connecting at its easternmost end with the existing Bridleway 20.23/5/1.

Work No. 09-10— as shown on sheet 3 of the works plans for scheme 09 and comprising the construction of a new bridleway connecting the equestrian crossing facility on the Mains Gill Junction (forming part of Work No. 09-8A), to the equestrian track on the north side of the de-trunked A66 (forming part of Work No. 09-3D~~C~~) as well as connecting to the new crossing of the de-trunked A66 (forming part of Work No. 09-3D).

Work No. 09-11— as shown on sheet 3 of the works plans for scheme 09 and comprising the construction of a bridleway, to include—

(a) works to effect the stopping up of a length of existing Bridleway 20.55/6/1 where it crosses the western boundary of the farm shop; and

Commented [PM5]: Amendments to Work No. 09-8A are related to **Proposed Change 2 - Mains Gill Junction Bridleway**.

Commented [PM6]: Amendments to Work No. 09-8B are related to **Proposed Change 2 - Mains Gill Junction Bridleway**.

Commented [PM7]: Amendments to Work No. 09-10 are related to **Proposed Change 2 - Mains Gill Junction Bridleway**.

(b) the construction of a new bridleway (also accommodating a new private means of access) connecting the new crossing of the de-trunked A66 (forming part of Work No. 09-3D) to the existing Bridleway 20.55/6/1.

Work No. 09-12— as shown on sheet 4 of the works plans for scheme 09 and comprising a new bridleway passing under the new A66, to include—

(a) works to effect the stopping up of a length of existing Bridleway 20.30/8/1;

(b) the construction of a new bridleway to connect the existing Bridleway 20.30/8/1 on the north side of the new A66 to the new equestrian track alongside the de-trunked A66 to the south of the new A66;

(c) the construction of a new underpass to carry the new bridleway under the new A66; and

(d) the construction of a new junction between the new bridleway and the existing Warrener Lane.

Work No. 09-13— as shown on sheet 4 of the works plans for scheme 09, to include—

(a) works to effect the stopping up of a length of existing Bridleway 20.30/9/1 and a length of existing Bridleway 20.33/24/1;

(b) the construction of a new bridleway from the new bridleway link (part of Work No. 09-12) to the realigned Warrener Lane (part of Work No. 09-3F);

(c) the provision of new private means of access over part of the new bridleway, as shown on sheet 4 of the rights of way and access plans for scheme 09; and

(d) works to effect the stopping up of a length of the existing Warrener Lane between its junction with the de-trunked A66 and its intersection with the new A66.

PART 8

SCHEME 11 – A1(M) J53 SCOTCH CORNER

In the administrative area of the North Yorkshire Council

The authorised development is situated in the administrative area of the North Yorkshire Council.

A nationally significant infrastructure project as defined in sections 14 (nationally significant infrastructure projects: general) and 22 (highways) of the 2008 Act, and associated development within the meaning of section 115(2) (development for which development consent may be granted) of the 2008 Act, comprising—

Work No. 11-1— as shown on sheet 1 of the works plans for scheme 11 and being the improvement of the existing A66 at its junction with the A1(M) Junction 53, Scotch Corner Roundabout, to include—

(a) the provision of an additional lane on the existing Scotch Corner North Overbridge within the existing bridge cross section, facilitated by the reduction of the southern verge width;

(b) works to construct an additional lane and to facilitate its tie-in to the existing circulatory carriageway on both the east side and the west side of the existing Scotch Corner North Overbridge; and

(c) associated improvements to the existing circulatory carriageway of the Scotch Corner Roundabout.

Work No. 11-2— as shown on sheet 1 of the works plans for scheme 11 and being the improvement of Middleton Tyas Lane, to include—

(a) the construction of additional carriageway to facilitate widening of the existing Middleton Tyas Lane, on approach to the circulatory carriageway of the Scotch Corner Roundabout;

(b) the construction and improvement of footway and cycleway on the south side of Middleton Tyas Lane; and

(c) the improvement of the existing Middle Tyas Lane eastbound and westbound carriageways.

Ancillary Works

For the purposes of or in connection with the construction of any of the works and other development mentioned above, ancillary or related development which does not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement, consisting of—

(a) works within highways, including—

(i) alteration of the layout of any street permanently or temporarily, including increasing or reducing the width of the carriageway of any street by increasing or reducing the width of any kerb, footway, cycleway, or verge within the street; and altering the level or increasing the width of any footway, cycleway or verge within the street; works for the strengthening, improvement, repair, maintenance or reconstruction of any street; and works associated with the tie-in of the authorised development to the existing highway;

(ii) street works, including breaking up or opening a street, or any sewer, drain or tunnel under it, and tunnelling or boring under a street;

(iii) relocation or provision of new road traffic signs, signals, street lighting, road restraints and carriageway lane markings;

(iv) works to alter, remove or maintain street furniture or apparatus (including statutory undertakers' apparatus) in, under or above a street, including mains, sewers, drains, pipes, cables, cofferdams, lights fencing and other boundary treatments;

(v) works to facilitate traffic management, provide vehicle recovery services and to deliver information relating to the authorised development; and

(vi) works to stop up, provide or re-provide private means of access to land or premises;

(b) Other works and development—

(i) for the strengthening, alteration or demolition of any building;

(ii) to place, alter, divert, relocate, protect, remove or maintain services, plant and other apparatus and equipment belonging to statutory undertakers, utility companies and others in, under or above land, including mains, sewers, drains, pipes, cables, lights, cofferdams, fencing and other boundary treatments including bollards;

(iii) comprising ramps, steps, footpaths, footways, shared use cycle tracks, cycleways, bridleways, equestrian tracks, non-motorised user routes or links, byways open to all traffic, restricted byways, private means of access, laybys and crossing facilities;

(iv) comprising embankments, cuttings viaducts, bridges, aprons, abutments, shafts, foundations, retaining walls, drainage works, drainage treatment areas, flood compensation units, ponds, lagoons, outfalls, pollution control devices, pumping stations, impounding sumps, culverts, wing walls, fire fighting system water tanks and associated plant and equipment, highway lighting and fencing;

(v) comprising settlement monitoring and mitigation measures for the benefit or protection of, or in relation to, any land, building or structure, including monitoring and safeguarding of existing infrastructure, utilities and services affected by the authorised development;

(vi) comprising landscaping, re-grading, re-profiling, contouring, noise barriers, anti-dazzle features, works associated with ecological and archaeological investigation and mitigation, and other works to mitigate any adverse effects of the construction, operation or maintenance of the authorised development;

(vii) comprising the processing, deposition or use of excavated materials;

(viii) comprising areas of hard or soft landscaping works, or public realm, at various locations adjacent to the new or improved highway and associated works;

(ix) comprising site preparation works, site clearance (including fencing and other boundary treatments, vegetation removal, works of demolition, including demolition of existing structures, and the creation of alternative highways or footpaths) and earthworks (including soil stripping and storage and site levelling);

(x) comprising construction compounds and working sites, temporary structures, storage areas (including storage of excavated material and other materials), temporary vehicle parking, construction fencing, perimeter enclosure, security fencing, construction-related buildings, erection of construction plant and equipment, temporary display of notices or advertisements, temporary worker accommodation facilities, welfare facilities, office facilities, other ancillary accommodation, construction lighting, haulage roads, and other buildings, machinery, apparatus, processing plant, works and conveniences;

(xi) comprising service compounds, plant and equipment rooms, offices, staff mess rooms, welfare facilities, and other ancillary and administrative accommodation;

(xii) comprising ground investigation works and remedial work in respect of any contamination or other adverse ground condition, including the installation and monitoring of associated apparatus;

(xiii) comprising works for the benefit or protection of the authorised development; and

(xiv) comprising 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.

SCHEDULE 2

Article 10

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

Note: In relating this Schedule 2 to its corresponding rights of way and access plans, the provisions described in this Schedule are shown on the rights of way and access plans in the following manner—

(a) existing highways to be stopped up, as described in column (2) of Part 1 and Part 2 of this Schedule, are shown by thick black diagonal hatching (as shown in the key on the rights of way and access plans) over the extent of the area to be stopped up, which is described in column (3) of Part 1 and Part 2 of this Schedule;

(b) new and improved highways (side roads) which are to be substituted for a highway to be stopped up (or which are otherwise to be provided) other than the new and/or improved A66 Trunk Road, as are included in column (4) of Part 1 of this Schedule, are shown by black stipple with a zig-zag overlaid (as shown in the key on the rights of way and access plans) and are given a reference label (a capital letter in a circle) and will be a road;

(c) new rights of way (other than side roads and other than the new and/or the improved A66 Trunk Road) which are to be substituted for a highway to be stopped up (or which are otherwise to be provided), as are included in column (4) of Part 1 of this Schedule, are shown by black stipple with a centreline (as shown in the key on the rights of way and access plans) and are given a reference label (a capital letter in a circle) and will be a road unless the words 'footpath', 'cycle track', 'bridleway', or 'byway open to all traffic' appear beneath or alongside the reference letter in column (4);

(d) private means of access to be stopped up, as described in column (2) of Parts 3 and 4 of this Schedule, are shown by a solid black band (as shown in the key on the rights of way and access plans), over the extent of the stopping up described in column (3) of Parts 3 and 4, and are given a reference label (a lower-case letter in a circle); and

(e) new private means of access to be substituted for a private means of access to be stopped up (or which are otherwise to be provided) in relation to the new and/or improved A66 Trunk Road, as are included in column (4) of Part 3 of this Schedule, are shown by thin diagonal hatching (as shown in the key on the rights of way and access plans), or, where they are to be provided (in part) along the route of a footpath, cycle track or bridleway, they are shown by black stipple with a centreline overlaid by thin diagonal hatching (as shown in the key on the rights of way and access plans), and are given a reference label (a number in a circle).

PART 1

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

SCHEME 0102 – M6 J40 TO KEMPLAY BANK

(1) *Area*	*(2)* *Highway to be stopped up*	*(3)* *Extent of stopping up*	*(4)* *New highway to be substituted/provided*
Scheme 0102 – The rights of way and access plans – sheet 1			
In the administrative	–	–	Reference A

area of Westmorland and Furness Council and the parish of Penrith			A length of improved A592 from a point 18 metres from its existing junction with the M6 Junction 40 Roundabout for a distance of 260 metres in a north-westerly direction.
	–	–	Reference A* A length of new cycleway on the north side of the improved A66 from a point 295 metres west of Skirsgill Business Park in a north-easterly direction for a distance of 136 metres to a point 180 metres north-west of Skirsgill Business Park.
	–	–	Reference B* A length of new cycleway on the north side of the improved A66 from a point 135 metres south-west of the Livestock Market in a north-easterly direction for a distance of 270 metres to a point 128 metres to the east of the Livestock Market.
	–	–	Reference C* A length of new cycleway on the south side of the improved A66 from a point 95 metres north-west of the Skirsgill Business Park for a distance of 113 metres in a north-easterly direction to a point 73 metres north-east of the Skirsgill Business Park.
	–	–	Reference D* A length of new cycleway adjacent to the M6 J40 circulatory carriageway from a point 107 metres west of

			the centre of the M6 J40 roundabout for a distance of 100 metres in a north-easterly direction to a point 79 metres north-west of the centre of the M6 J40 roundabout.
	–	–	Reference E* A length of new cycleway adjacent to the M6 J40 circulatory carriageway from a point 96 metres north of the centre of the M6 J40 roundabout for a distance of 64 metres in a south-easterly direction to a point 106 metres northeast of the centre of the M6 J40 roundabout.
	–	–	Reference F* A length of new cycleway adjacent to the improved M6 southbound merge slip road and the improved A66 from a point 35 metres south-west of the centre of Skirsgill Depot, heading in a north-westerly direction then turning in an easterly direction and finally turning again in a westerly direction for a total distance of 600 metres.
	–	–	Reference G* A length of new cycleway adjacent to the improved M6 southbound merge slip road, from a point 40 metres south of the centre of the Skirsgill Depot, heading in a south-easterly direction for a distance of 85 metres.
	–	–	Reference H*

			A length of new cycleway adjacent to the improved A592 from a point 248 metres north-west of the North Lakes Hotel & Spa for a distance of 322 metres in a south-easterly direction to a point 100 metres north of the centre of the M6 J40 roundabout.
	–	–	Reference I* A new cycleway adjacent to the improved A592 and the improved A66 from a point 165 metres north-west of the North Lakes Hotel & Spa in a generally westerly direction for a distance of 1.4 kilometres to a point 70 metres south-west of the Hospital.
Scheme 0102 – The rights of way and access plans – sheet 2			
In the administrative area of Westmorland and Furness Council	–	–	Reference B A length of improved highway (A6) from a point 45 metres south-west of the Hospital, in a generally south-easterly direction for a distance of 56 metres, to a point 77 metres south-west of the Hospital.
	A686	A length from a point 165 metres south-east of the hospital in a generally south-westerly direction for a distance of 117 metres to its existing junction with the Kemplay Bank Roundabout.	Reference C To be substituted by a length of improved highway (A686) from a point 165 metres south-east of the Hospital in a generally south-westerly direction, for a distance of 171 metres, to a point 78 metres south-east of the Hospital.
	–	–	Reference D A length of improved A6 from a point 131 metres south-west of the Fire Station, proceeding

			in a generally northerly direction for a distance of 50 metres to a point 101 metres south-west of the Fire Station.
	–	–	Reference J* A length of new cycleway adjacent to the improved A6 and the improved A686 from a point 50 metres south-west of the Hospital in a generally north-easterly direction for a distance of 340 metres to a point 90 metres east of Thacka Beck.
	–	–	Reference K* A length of new cycleway adjacent to the improved A686 from a point 83 metres north-east of the centre of the new Kemplay Bank Junction and heading northwards and then eastwards for a distance of 246 metres to a point 230 metres west of the Police Station.
	–	–	Reference L* A length of new cycleway along the inside of the circulatory carriageway of the new Kemplay Bank Junction for a distance of 370 metres.
	–	–	Reference M* A length of new cycleway adjacent to the improved A6 from a point 270 metres north of its junction with Skirsgill Lane, for a distance of 112 metres in a generally south-easterly direction, to a point 210 metres north-east of Skirsgill Lane.
	–	–	Reference N*

			A length of new cycleway adjacent to the improved A6 from a point 44 metres north-west of the Fire Station for a distance of 65 metres in a generally north-easterly direction to a point 83 metres west of the Hospital.
	–	–	Reference O* A length of new cycleway adjacent to the improved A6 from a point 20 metres to the west of the Fire Station, for a distance of 138 metres in a generally south-westerly direction, to a point 125 metres south-west of the Fire Station.

SCHEME 03 – PENRITH TO TEMPLE SOWERBY

(1) *Area*	*(2)* *Highway to be stopped up*	*(3)* *Extent of stopping up*	*(4)* *New highway to be substituted/provided*
Scheme 03 – The rights of way and access plans – sheet 1			
In the administrative area of Westmorland and Furness Council and the parishes of Brougham and Langwathby	B6262	A length from a point 503 metres east of Brougham Castle for a distance of 85 metres in a north-easterly direction to a point 307 metres west of the Countess Pillar.	Reference A The improved section of the B6262 from its junction with the improved A66 for a distance of 100 metres in a south-westerly direction.
	–	–	Reference B A length of new cycle track from a point 85 metres south-west of the junction of the B6262 with the A66 in a generally north-easterly direction for a distance of 288 metres.
	–	–	Reference C A length of new cycle track in continuation of new cycle track reference B. From a

			point 203 metres east of the junction of the B6262 with the A66 for a distance of 969 metres in a generally north-easterly direction, crossing the A66 via the new "Brougham Accommodation Bridge".
	Footpath	A length of existing footpath from a point 30 metres to the south of the existing junction of the B6262 with the existing A66 in a generally easterly direction for a distance of 361 metres to the Countess Pillar.	Reference D A new cycle track from a point 1021 metres east of Brougham Castle, continuing in a generally easterly direction for a distance of 151 metres (to provide access to the Countess Pillar).
	–	–	Reference E A new cycle track from a point 690 metres east of Brougham Castle, continuing in a generally easterly direction for a distance of 103 metres.
	–	–	Reference L A new cycle track in continuation of new cycle track Reference D, from a point 740 metres east of Brougham Castle, in a generally northerly direction for a distance of 56 metres (to provide access to the Countess Pillar).
	–	–	
Scheme 03 – The rights of way and access plans – sheet 2			
In the administrative area of Westmorland and Furness Council and the parishes of Brougham and Langwathby	–	–	Reference F A new cycle track in continuation of new cycle track reference E, from a point 675 metres north-west of Whinfell Park in a generally easterly direction for a distance of 705 metres.
	Byway open to all traffic 311/013	A length from the existing junction of	Reference G

		the byway open to all traffic (311/013) with the existing A66 in a generally north-easterly direction for a distance of 220 metres.	A length of new highway from a point 200 metres north of Whinfell Park in a north-easterly direction for a distance of 136 metres.
	–	–	Reference H A new cycle track in continuation of new cycle track reference F, from a point 225 metres north of Whinfell Park in a generally easterly direction for a distance of 1.7 km.
Scheme 03 – The rights of way and access plans – sheet 3			
In the administrative area of Westmorland and Furness Council and the parishes of Brougham and Langwathby	–	–	Reference A* A length of new cycleway from a point 500 metres south-west of High Barn for a distance of 665 metres in a generally north-easterly direction to a point 54 metres north-east of High Barn.
	–	–	Reference H (continued from sheet 2 of the rights of way and access plans for scheme 03).
	–	–	Reference I A length of new side road from a point 118 metres north-east of the existing junction at Center Parcs, continuing in a generally easterly direction for a distance of 365 metres.
	Footpath 311/004	A length from the existing junction of the footpath (311/004) with the existing A66 in a generally southerly direction for a distance of 25 metres.	Reference J A new footpath beginning at a point 196 metres south of the existing Center Parcs junction with the A66 and continuing in a generally easterly direction for a distance

			of 875 metres, to connect to existing footpath 311/004 at a point 25 metres south of its existing junction with the A66.
	–	–	Reference K A new cycle track from a point 585 metres east of the existing Center Parcs junction with the A66, and continuing in an easterly direction for a distance of 2.3 km.
	–	–	Reference B* A length of new cycleway from a point 50 metres south of High Barn for a distance of 125 metres in an easterly direction to a point 157 metres south-east of High Barn.
Scheme 03 – The rights of way and access plans – sheet 4			
In the administrative area of Westmorland and Furness Council	Cycleway	A length of existing cycleway on the north side of the existing A66, from a point 285 metres south of Lower Woodside, for a distance of 325 metres in an easterly direction to a point 432 metres south-east of Lower Woodside.	Reference K (continued from sheet 3 of the rights of way and access plans for scheme 03).
	Cycleway	A length of existing cycleway on the south side of the existing A66, from a point 315 metres south of Lower Woodside, for a distance of 520 metres in a south-easterly direction to a point 432 metres south-east of Lower Woodside.	Reference K (continued from sheet 3 of the rights of way and access plans for scheme 03).

SCHEME 0405 – TEMPLE SOWERBY TO APPLEBY

(1) *Area*	*(2)* *Highway to be*	*(3)* *Extent of stopping up*	*(4)* *New highway to be*

	stopped up		*substituted/provided*
Scheme 0405 – The rights of way and access plans – sheets 1 and 2			
In the parish of Kirkby Thore; in the administrative area of Westmorland and Furness Council	Bridleway 336/007	A 260 metre length, from a point 105 metres to the north-east of its junction with the existing A66, in a generally north-easterly direction to its intersection with the existing Priest Lane.	Reference A To be substituted by a 1.1 km length of new bridleway commencing at the existing junction of bridleway 336/007 with the existing A66 and continuing in a generally easterly direction for a distance of 945 metres and including a 120 metre length extending in a north-westerly direction between Points A and B (on sheet 1 and sheet 2) via the new Priest Lane Underpass.
	–	–	The proposed Temple Sowerby Link Road A 1.1 km length of new side road on the south side of the existing A66 (between Temple Sowerby and Low Moor Caravan Park), from a point 95 metres south of the intersection between the existing Morland Road and the existing A66, in a generally easterly direction and tying into the existing A66 at a point 292 metres east of the existing Spitals Farm Underpass.
	Priest Lane	A length from a point 140 metres to the north-west of its junction with the existing Cross Street, in a generally north-westerly direction for a distance of 587 metres.	Realigned Priest Lane To be substituted by the realigned Priest Lane from a point 351 metres to the north-west of its junction with the existing Cross Street, in a generally easterly direction for a distance of 610 metres

			to its junction with the realigned Cross Street.
	Cross Street	A length from its junction with the existing Priest Lane for a distance of 735 metres in a generally north-westerly direction.	The Realigned Cross Street To be substituted by the realigned Cross Street from Point C (on sheet 2) in a generally south-easterly direction for a distance of 503 metres to its junction with the end of Priest Lane.
	Bridleway 336/018	A 205 metre length of Bridleway 336/018 from a point 1 metre from its junction with the existing Cross Street for a distance of 205 metres in a north-easterly direction.	Reference B To be substituted by a 194 metre length of new bridleway in a generally easterly direction for a distance of 153 metres, between the realigned Cross Street and existing Bridleway 336/018 (Points D and E on sheet 2) and including a 41 metre length extending in a northerly direction to tie into the existing Bridleway 336/018 (as shown on sheet 2 of the rights of way and access plans for scheme 0405).
	–	–	Reference K A 188 metre length of new footpath extending in a generally easterly direction between existing Bridleway 336/018 (Point E on sheet 2) and existing Footpath 336/017 (Point F on sheet 2) (as shown on sheet 2 of the rights of way and access plans for scheme 0405).
	–	–	The Improved Morland Road and Roman Road (Reference A*)

			A length of new cycleway along the existing Morland Road from Point H to its junction with Roman Road (Point J), and a length of new cycleway along the existing Roman Road from its junction with Morland Road (Point J) to Point I (as shown on sheet 1 of the rights of way and access plans for scheme 0405).
	–	–	The Improved Roman Road (Reference B*) A length of new cycleway along the existing Roman Road from Point K to its junction with Morland Road (Point J) (as shown on sheet 1 of the rights of way and access plans for scheme 0405).
	–	–	Reference D* A 320 metre length of new footway on the realigned Cross Street, extending from the junction of the existing Priest Lane and Cross Street in a north-westerly direction to Point D (as shown on sheet 2 of the rights of way and access plans for scheme 0405).
Scheme 0405 – The rights of way and access plans – sheets 2 and 3			
In the parish of Kirkby Thore; in the administrative area of Westmorland and Furness Council	Footpath 336/017	A 398 metre length of Footpath 336/017 from its junction with the existing Cross Street in a north-easterly direction to Point F on sheet 2.	Reference C To be substituted by a 1.1 km length of new footpath from a point 2 metres north of the junction of Bridleway 336/018 with the existing Cross Street in a generally easterly direction to Point S then turning

			northwards from Point S for a length of 162 metres, then branching in a westerly direction to join Footpath 336/017 and in an easterly direction to join Footpath 336/013 (as shown on sheets 2 and 3 of the rights of way and access plans for scheme 0405).
	Fell Lane	A length from a point 360 metres north-east of its junction with Main Street, in a generally north-easterly direction for a distance of 147 metres.	To be substituted by— The new and improved Fell Lane.
	Main Street	A length from a point 235 metres to the east of its junction with Sleastonhow Lane, in a generally easterly direction for a distance of 163 metres (shown on sheet 3 of the rights of way and access plans for scheme 0405).	To be substituted by— The improved Fell Lane from its junction with the existing Main Street in a north-easterly direction for a distance of 442 metres; and A length of new side road open to all traffic from its junction with the existing British Gypsum Access Road in a generally south-easterly direction for a distance of 532 metres and tying into the existing Main Street at Point G (all as shown on sheet 3 of the rights of way and access plans for scheme 0405).
	–	–	Reference E* A length of new cycleway on the new realigned Fell Lane (including the new Fell Lane Bridge), from a point 150 metres to the east of the junction of the existing Fell Lane with Main Street and continuing in a north-

			westerly direction for a distance of 440 metres.
Scheme 0405 – The rights of way and access plans – sheets 3 and 4			
In the parishes of Kirkby Thore and Crackenthorpe; in the administrative area of Westmorland and Furness Council	Sleastonhow Lane	A length from a point 235 metres south-east of its junction with Main Street, in a generally south-easterly direction for a distance of 590 metres.	To be substituted by— The new and improved Sleastonhow Lane.
Scheme 0405 – The rights of way and access plans – sheets 4 and 5			
In the parishes of Crackenthorpe and Long Marton; in the administrative area of Westmorland and Furness Council	Footpath 317/009 and Footpath 341/017	A length of Footpath 341/017 from its junction with the existing Roman Road in a generally easterly direction for a distance of 69 metres to the point where it meets the easternmost end of footpath 317/009 at the parish boundary between Long Marton and Crackenthorpe (shown on sheet 5 of the rights of way and access plans for scheme 0405); plus A length of footpath 317/009 from its junction with the existing A66 in a generally north-easterly direction to its junction with the existing Roman Road and footpath 341/017 (at the parish boundary between Crackenthorpe and Long Marton) (as shown on sheet 5 of the rights of way and access plans for scheme 0405).	To be substituted by References E and C* (part) Reference E A length of new footpath commencing from Point M continuing in a generally north-westerly direction on the east side of the new A66 until passing beneath the new Trout Beck viaduct (carrying the new A66), and then continuing in a generally south-westerly direction to the point where it meets the existing A66, 105 metres to the north of the junction of the existing A66 with Footpath 317/008; and Reference C* (part) Then continuing via part of new cycleway Reference C* (see below), along the de-trunked A66 a total distance of 1km (as shown on sheets 4 and 5 of the rights of way and access plans for scheme 0405).
	–	–	Reference F A length of new footpath, in parallel with the eastbound

			carriageway of the new A66, from its junction with the existing Long Marton Road and the access to Powis House, continuing for a distance of 235 metres in a generally north-westerly direction to its tie-in point with the existing access to Powis House at a point 60 metres to the south of Powis House (as shown on sheet 5 of the rights of way and access plans for scheme 0405).
	Long Marton (Road)	A length from a point 34 metres to the east of its junction with the existing A66, in a generally north-easterly direction for a distance of 191 metres; and Another length from a point 915 metres north-east of its junction with the existing A66, in a generally easterly direction for a distance of 130 metres (shown on sheet 5 of the rights of way and access plans for scheme 0405).	To be substituted by— The realigned Long Marton (Road) (as shown on sheet 5 of the rights of way and access plans for scheme 0405).
	Bridleway 341/001	A length of Bridleway 341/001 from a point 292 metres to the south of its junction with the existing Long Marton (Road) in a south-easterly direction for a distance of 245 metres (shown on sheet 5 of the rights of way and access plans for scheme 0405).	Reference G To be substituted by a length of new bridleway on a similar alignment to that of the existing Bridleway 341/001, from its junction with Long Marton (Road) in a south-easterly direction for a distance of 290 metres in a generally south-easterly direction over the new Powis House Bridge and under the new Long Marton

			Underpass, and tying back into the existing Bridleway 341/001 (as shown on sheet 5 of the rights of way and access plans for scheme 0405).
	–	–	Reference I* A length of new cycleway from the west side of the new and realigned Long Marton (Road) from a point 436 metres north-east of the junction of the existing A66 with the new and realigned Long Marton (Road), in a generally north-westerly direction for a distance of 190 metres; (as shown on sheet 5 of the rights of way and access plans for scheme 0405).
	–	–	Reference H* A length of new cycleway from a point 410 metres to the south-east of the junction of the existing A66 and Long Marton Road in a generally north-easterly direction, along the realigned Long Marton, for a distance of 1.1 km. (as shown on sheet 5 of the rights of way and access plans for scheme 0405).
Scheme 0405 – The rights of way and access plans – sheet 6			
In the parish of Crackenthorpe; in the administrative area of Westmorland and Furness Council	Bridleway 317/012	A length of Bridleway 317/012 between Roman Road and Crackenthorpe from its junction with Bridleway 341/001 in a generally south-westerly direction towards Crackenthorpe, for a distance of 134 metres	Reference I To be substituted by a 710 metre length of new bridleway from a point approximately 210 metres north of Crackenthorpe in a generally north-easterly direction and passing under the new

		(shown on sheet 6 of the rights of way and access plans for scheme 0405).	Crackenthorpe Underpass before connecting to the existing Bridleway 341/001 along Roman Road (as shown on sheet 6 of the rights of way and access plans for scheme 0405)
	Footpath 317/006	A length of Footpath 317/006 between Roman Road and Crackenthorpe from its intersection with Bridleway 341/001 in a generally south-westerly direction towards Crackenthorpe for a distance of 328 metres, then another length of 160 metres in a south-easterly direction (as shown on sheet 6 of the rights of way and access plans for scheme 0405).	Reference I (as above)
Scheme 0405 – The rights of way and access plans – sheet 7			
In the parish of Crackenthorpe; in the administrative area of Westmorland and Furness Council	Footpath 317/004	A length of Footpath 317/004 between Roger Head Farm and the existing Roman Road from a point 240 metres to the north-east of Roger Head Farm, for a distance of 117 metres in a north-easterly direction, to a point 23 metres from its junction with the existing Roman Road (shown on sheet 7 of the rights of way and access plans for scheme 0405.	Reference J To be substituted by a length of new Bridleway from a point 240 metres north-east of Roger Head Farm on the existing alignment of Footpath 317/004 in a south-easterly direction for a distance of 125 metres, followed by another length of 225 metres in a generally north-easterly direction and over the proposed Roger Head Farm Bridge, to its junction with the existing Roman Road, a total distance of 350 metres (as shown on sheet 7 of the rights of way and access plans for scheme 0405).
	–	–	The Improved B6542

			A length from its junction with Battlebarrow in a generally north-westerly direction (including new cycleway Reference C*) for a distance of 1.3 km (as shown on sheet 7 of the rights of way and access plans for scheme 0405).
Scheme 0405 – The rights of way and access plans – sheets 1, 2, 4, 5, 6 and 7			
In the parish of Crackenthorpe; in the administrative area of Westmorland and Furness Council	–	–	The new and improved A66, including Reference C* A length of new cycleway along the improved A66 (as shown on sheets 1, 2, 4, 5, 6 and 7 of the rights of way and access plans for scheme 0405).
	–	–	The Improved B6542 A length from its junction with Battlebarrow in a generally north-westerly direction (including new cycleway Reference C*) for a distance of 1.3 km (as shown on sheet 7 of the rights of way and access plans for scheme 0405).

SCHEME 06 – APPLEBY TO BROUGH

(1) *Area*	*(2)* *Highway to be stopped up*	*(3)* *Extent of stopping up*	*(4)* *New highway to be substituted/provided*
Scheme 06 – The rights of way and access plans – sheet 1			
In the administrative area of Westmorland and Furness Council, Parish of Warcop, Parish of Musgrave, Parish of Brough and Parish of Helbeck	–	–	Reference A* A length of new cycleway from a point 201 metres to the north-west of Café Sixty Six in a generally south-easterly direction to a point 20 metres to the

			north of the junction of the existing A66 with Flitholme Road (as shown on sheets 1 to 5 of the rights of way and access plans).
In the administrative area of Westmorland and Furness Council and Parish of Warcop	Footpath 372/028 north of existing A66	A length from its junction with the existing A66, in a north-easterly direction for a distance of 47 metres.	Reference A* (Part)
	Bridleway 372/024 south of existing A66	A length from its junction with the existing A66, in a south- westerly direction for a distance of 70 metres.	Reference B* To be substituted by a length of new equestrian track from a point immediately south-west of its junction with the existing A66, in a generally easterly and then a northerly direction, for a distance of 178 metres.
Scheme 06 – The rights of way and access plans – sheet 2			
In the administrative area of Westmorland and Furness Council and Parish of Warcop	Footpath 372/027 north of existing A66	A length from its junction with the existing A66, in a northerly direction for a distance of 90 metres.	Reference C* To be substituted by a length of new footway from a point 90 metres north of its junction with the existing A66, in a generally south-westerly direction passing beneath the proposed Sandford junction underbridge, for a distance of 148 metres.
	Footpath 372/022 south of existing A66	A length from its junction with the existing A66, in a south-westerly direction for a distance of 212 metres.	Reference D* To be substituted by a length of new footway from a point 80 metres to the south-east of the junction of the B6259 with the access to Dyke Nook, in a generally westerly and then northerly direction, for a distance of 401 metres; and Reference F To be substituted by a

			length of new footpath from a point 155 meters to the south-east of the junction of the B6259 with the access to Dyke Nook, in a generally easterly direction, for a distance of 97 metres.
	Existing B6259	A length from its intersection with the southern boundary of the existing A66, in a southerly direction, for a distance of 87 metres.	Reference E The new realigned B6259 from its junction with the new A66 westbound carriageway in a southerly direction for a distance of 221 metres.
Scheme 06 – The rights of way and access plans – sheet 3			
In the administrative area of Westmorland and Furness Council and Parish of Warcop	Footpath 372/013 south of existing A66	A length from its junction with the existing A66, in a south-westerly direction for a distance of 72 metres.	Reference G* To be substituted by a length of new footway from a point immediately south-west of its junction with the existing A66, in a generally south-easterly and then a northerly direction and passing beneath the proposed Cringle Beck Viaduct, for a distance of 750 metres.
	Footpath 372/014 south of existing A66	A length from its junction with existing A66 in a south-westerly direction for a distance of 275 metres.	Reference H* To be substituted by a length of new footway from a point immediately south-west of its junction with the existing A66, in a generally southerly direction passing beneath the proposed Cringle Beck Viaduct, for a distance of 314 metres.
	–	–	Reference I* A length of new cycleway on the alignment of the improved de-trunked A66 from the new Warcop Eastbound Junction westwards

			along the de-trunked A66 to link in with new cycleway Reference A* at the point where the existing Roman Road meets the new A66.
	Footpath 372/021 south of existing A66	A length from its junction with the existing A66, in a southerly direction for a distance of 131 metres.	Reference J* To be substituted by a length of new footway from a point 265 meters to the east of the junction of footpath 372/021 with the existing A66, in a generally south-easterly direction passing beneath the proposed Walk Mill Underpass, for a distance of 235 metres; and Reference K* To be substituted by a length of new footway from a point 135 metres to the south of the junction of footpath 372/021 and the existing A66, in a generally north-westerly direction passing beneath the proposed Walk Mill Underpass for a distance of 302 metres.
	Existing A66	A length from a point 172 metres west of the junction of Hayber Lane and the existing A66 on the north side of Warcop in a south-easterly direction for a distance of 50 metres.	Reference L The new and improved C3077 (de-trunked A66) from a point where it intersects the new A66 eastbound carriageway at the new Warcop Eastbound Junction to a point 2.6 km north-east of the existing junction of the A66 and Flitholme Road (shown on sheets 3,4 and 5 of the rights of way and access plans).
Scheme 06 – The rights of way and access plans – sheet 4			
In the administrative area of Westmorland and Furness Council, and Parish of Warcop	Warcop Road	A length from its intersection with the southern boundary of the existing A66	Reference M The improved Warcop Road from its junction

		in a southerly direction, for a distance of 129 metres.	with the new Warcop Junction Link Road in a southerly direction for a distance of 42 metres.
	–	–	Reference N A length of new improved Station Road from a point 163 metres south of its junction with the existing A66 in a south-easterly direction for a distance of 54 metres.
	Footpath 372/020 south of existing A66	A length from its junction with the existing A66, in a generally south-westerly direction for a distance of 73 metres.	Reference O* To be substituted by a length of new footway from a point immediately south of its junction with the existing A66, in a generally south-easterly direction, for a distance of 676 metres (as shown on sheets 4 and 5 of the rights of way and access plans).
Scheme 06 – The rights of way and access plans – sheet 5			
In the administrative area of Westmorland and Furness Council and Parish of Warcop	Flitholme Road	A length from its junction with the existing A66, in a generally south-westerly direction, for a distance of 135 metres.	Reference P The improved Flitholme Road A length of new improved Flitholme Road from a point at its junction with the new improved C3077 in a southerly direction for a distance of 128 metres.
	–	–	Reference Q* A length of new equestrian track from a point 128 metres south of the junction of Flitholme Road with the existing A66, in a generally northerly direction for a distance of 128 metres, passing beneath the proposed Flitholme Road Underbridge, and then continuing for a distance

			of 570 metres in a generally easterly direction to connect to Bridleway 350/021.
In the administrative area of Westmorland and Furness Council, Parish of Warcop and Parish of Musgrave	–	–	Reference R* A length of new equestrian track for a distance of 660 metres alongside the new Flitholme Langrigg link road between Flitholme Road and Langrigg Lane (Reference S) to connect to existing Bridleway 350/021 via new equestrian track Reference Q* at a point 570 metres to the east of the junction of Flitholme Road with the new and improved C3077.
	–	–	Reference S The new local road connection between Flitholme and Langrigg from its junction with the existing Langrigg Lane in a generally westerly direction for a distance of 560 metres, to its connection with the re-aligned Flitholme Road.
Scheme 06 – The rights of way and access plans – sheet 6			
In the administrative area of Westmorland and Furness Council, Parish of Musgrave, Parish of Helbeck and Parish of Brough	–	–	Reference U The new and improved C3077 (de-trunked A66) from a point 163 metres to the east of the property known as Turks Head, in a generally easterly direction for a distance of 1.2 km to a point 341 metres east of the junction of existing A66 and Footpath 329/001.
In the administrative area of Westmorland and Furness Council, Parish of Helbeck and Parish of Brough	–	–	Reference V* A length of new footway from a point on the existing Footpath 329/001 where it passes

			Mains House, extending in a generally north-easterly direction for a distance of 145 metres, passing over the proposed West View Farm Overbridge.
	Footpath 329/001	A length from a point 95 metres north-east of the existing A66 in a south-westerly direction for a distance of 95 metres.	Reference W* A length of new footway from a point on the existing Footpath 329/001, 100 metres north-east of its junction with the existing A66, extending in a generally south-westerly direction, for a distance of 151 metres passing over the proposed West View Farm Overbridge.
In the administrative area of Westmorland and Furness Council, Parish of Brough	Bridleway 309/031	A length from a point 351 metres north-west of Musgrave Lane Overbridge in a north-easterly then south-easterly direction, for a distance of 201 metres.	Reference X A length of new bridleway from a point 545 metres north-west of the Musgrave Lane Overbridge in a generally south-easterly direction for a distance of 720 metres to connect to Musgrave Lane.
In the administrative area of Westmorland and Furness Council, Parish of Musgrave, Parish of Helbeck and Parish of Brough	–	–	Reference Y* A length of new cycleway from the point at which the existing Langrigg Lane and Bridleway 350/021 meet the existing A66, and continuing in a generally easterly direction to a point 341 metres to the east of the junction of the existing A66 with Footpath 329/001 (as shown on sheets 5 and 6 of the rights of way and access plans).

SCHEME 07 – BOWES BYPASS

(1) *Area*	*(2)* *Highway to be stopped up*	*(3)* *Extent of stopping up*	*(4)* *New highway to be substituted/provided*

Scheme 07 – The rights of way and access plans – sheet 1			
In the administrative area of Durham County Council	Bowes Footpath 18	A length from a point 165 metres to the east of its junction with Footpath 16, for a distance of 74 metres in a generally westerly direction.	Reference A A length of new footpath to be provided from a point 165 metres to the east of its junction with Footpath 16, and passing in an arc (to accommodate a proposed attenuation pond), then connecting into the existing Bowes Footpath 18 at a point 92 metres to the east of its junction with Footpath 16.
	Existing Clint Lane Bridge	A length from its junction with The Street, in a north-westerly direction for a distance of 162 metres.	Reference B A length from its junction with The Street, in a north-westerly direction for 110 metres, passing over the improved A66 and tying into the existing Clint Lane on the north side of the improved A66.
Scheme 07 – The rights of way and access plans – sheet 2			
In the administrative area of Durham County Council	A67	A length from 87 metres southwest of the existing A66 overbridge, in a northerly direction for a distance of 310 metres.	Reference C A length of improved side road from a point 87 metres south-west of the existing A66 overbridge, in a generally northerly direction for a distance of 310 metres, tying into the existing A67 at a point 19 metres north of the existing A67 junction with Clint Lane at The Old Armoury Campsite.
	Bowes Footpath 6	A length from a point 330 metres to the north-east of its junction with Low Road, for a distance of 108 metres in a generally north-easterly direction.	Reference D A length of new footpath to be provided from a point 438 metres north-east of its junction with The Street / Low Road, continuing in an easterly direction for a distance of 185 metres and crossing under the A66 at the existing

			Blacklodge Farm Underpass before continuing in a westerly direction to re-join Bowes Footpath 6 on the south side of the A66, at a point 330 metres north-east of its junction with Low Road.
Scheme 07 – The rights of way and access plans – sheet 3			
	–	–	Reference E A length of new highway commencing 45 metres south of the existing A66 junction with The Street, continuing in an easterly direction, then crossing the improved A66 via the new East Bowes Accommodation Overbridge, then curving eastwards and southwards.
	–	–	Reference F A length of new footpath commencing from its junction with the new highway Reference E, at a point 275 metres east of its junction with The Street / Low Road, continuing in an easterly direction, parallel to the A66 and terminating at the existing access to Bowes Cross Farm.

	Bowes Footpath 12	Bowes Footpath 12 A length from a its junction with the westbound carriageway of the A66, for a distance of 8 metres in a generally southerly direction.	To be substituted by Reference H A length of new footpath commencing from its junction with existing Bowes Footpath 6 on the west side of the access to Hulands Quarry, continuing in a southerly direction for a distance of 50 metres and connecting to new footway Reference B*; Reference B* A length of new footway, from the southern end of new footpath Reference H, continuing in a westerly direction parallel to and on the north side of the new A66, for a distance of 380 metres, to its junction with the new footpath, Reference G; Reference G A length of new footpath, from its junction with the access to High Broats Farm, (private means of access Reference 13), continuing in a westerly direction parallel to and on the north side of to the new A66, until connecting to the new East Bowes Accommodation Overbridge (part of Reference E); Reference E (as above); and Reference F (as above).

SCHEME 08 – CROSS LANES TO ROKEBY

(1) *Area*	*(2)* *Highway to be stopped up*	*(3)* *Extent of stopping up*	*(4)* *New highway to be substituted/provided*
Scheme 08 – The rights of way and access plans – sheet 1			
In the administrative area of Durham County Council	Rutherford Lane	A length of Rutherford Lane, from a point 206 metres south of the existing junction of the A66 with Rutherford Lane, southwards for a distance of 55 metres.	Reference B A length of the realigned Rutherford Lane, connecting with the realigned B6277 Moorhouse Lane; and Reference D A length of new highway comprising the realigned B6277 Moorhouse Lane.
	Bowes Footpath 1	A length from its existing junction with the A66, for a distance of 20 metres.	Reference C A 70-metre length of new footpath, connecting Bowes Footpath 1 to Rokeby Footpath 7.
	Rokeby Footpath 7	A length from its existing junction with the A66, for a distance of 18 metres.	Reference C (as above)
	–	–	Reference A An 80-metre length of new footpath connecting Rokeby Footpath 7 to Rokeby Footpath 8.
	A66 junction with Rutherford Lane	A length of Rutherford Lane, from the point 8 metres south of the existing junction of the A66 with Rutherford Lane, southwards for a distance of 11 metres.	Reference D A length of new highway comprising the new Cross Lanes Junction, the realigned Rutherford Road and the realigned B6277 Moorhouse Lane; and Reference B (as above).
	B6277 Moorhouse Lane	A 95-metre length of the existing B6277 Moorhouse Lane, northwards from a point 208 metres north of the	Reference D (as above).

		existing junction of the A66 with the B6277 Moorhouse Lane.	
	Rokeby Footpath 8	A 122-metre length from its intersection with the new realigned Moorhouse Lane, 380 metres east of its intersection with Rokeby Footpath 7, in a generally easterly direction.	Reference E A 122 metre length of new provision including a new pedestrian crossing, commencing 380 metres east of its intersection with Rokeby Footpath 7 and continuing in a generally easterly direction, connecting back to the existing provision east of the B6277.
	Moorhouse Lane (south) from its junction with the A66	A length from its junction with the A66, southwards for a distance of 24 metres.	Reference F New link road from the existing Moorhouse Lane (south), in a generally westerly direction, broadly in parallel with the new A66, and passing to the north of the Cross Lanes Organic Farm Shop, before linking into the realigned B6277 Moorhouse Lane; and continuing via Reference D (as above).
	B6277 Moorhouse Lane (north) at its junction with the A66	A 78-metre length of the existing B6277 Moorhouse Lane, northwards from a point 13 metres north of the existing junction of the A66 with the B6277 Moorhouse Lane.	Reference G New link road, connecting the existing Moorhouse Lane (north) to the new realigned B6277 Moorhouse Lane; and Reference D (as above).
Scheme 08 – The rights of way and access plans – sheets 1 and 2			
In the administrative area of Durham County Council	–	–	Reference H A length of new cycle track from the improved B6277 Moorhouse Lane (Reference G) running broadly parallel with the new A66, until it meets the new Rokeby Junction.
Scheme 08 – The rights of way and access plans – sheets 2 and 3			

In the administrative area of Durham County Council	Existing A66	A 250-metre length of the existing A66, from a point 388 metres east of where the existing Rokeby Footpath 9 meets the existing A66.	Reference J New side road commencing at the new Rokeby Junction westbound connector road, continuing northwards via the new Rokeby Junction Underbridge, then curving eastwards to continue along the alignment of the existing A66, until reaching the existing junction of the A66 with the C165 Barnard Castle Road, and including a new cycleway in the west and north verge (connecting to new cycle track Reference K and existing Rokeby Footpath 5 at its junction with the north side of the existing A66).
Scheme 08 – The rights of way and access plans – sheet 3			
In the administrative area of Durham County Council	–	–	Reference K A length of new cycle track between the new Rokeby Junction (where it commences at a point 56 metres to the south of the new Rokeby Junction Underbridge) and Greta Bridge Bank (where it meets the existing cycleway).
	Rokeby Footpath 6	A length from its junction with the south side of the existing A66, opposite St Marys Church, extending in a southerly direction for a distance of 245 metres.	References J and K (as above).

SCHEME 09 – STEPHEN BANK TO CARKIN MOOR

(1) *Area*	*(2)* *Highway to be stopped up*	*(3)* *Extent of stopping up*	*(4)* *New highway to be substituted/provided*
Scheme 09 – The rights of way and access plans – sheet 1			
In the administrative areas of Durham County Council and the North Yorkshire Council	Bridleway Hutton Magna 12	A length of Bridleway Hutton Magna 12, from the point where it meets the existing eastbound carriageway of the A66, northwards for a distance of 68 metres.	Reference A To be substituted by a length of new bridleway on the north side of the new A66, connecting at its western end with existing Bridleway Hutton Magna 12, and continuing in a generally easterly direction for a distance of 405 metres, in parallel with the new A66, before turning in a southerly direction to cross the new A66 via a new underpass (then connecting to a length of new equestrian track on the north side of the de-trunked A66).
Scheme 09 – The rights of way and access plans – sheet 2			
In the administrative area of the North Yorkshire Council	–	–	Reference A* A length of new equestrian track on the north side of the carriageway of the existing A66 (to be de-trunked), commencing at the new bridleway underpass, Reference A, and continuing in an easterly direction to connect to Reference B (as below).
	A66	A length from a point 13 metres to the east of the junction of Collier Lane with the A66, in an easterly direction for a distance of 30 metres.	Reference B A 990-metre length of new or improved ~~carriageway to be constructed to the south of the existing A66, to connect into the~~ de-trunked A66 ~~on both eastern and western sides,~~ and to include an equestrian track on the ~~north~~south side of the

Commented [PM8]: Amendments to Reference B are related to **Proposed Change 1 - Collier Lane**.

			carriageway and a new footway in the northern verge to the east side of Collier Lane.
	Collier Lane	A length from its junction with the existing A66, in a north-easterly direction for a distance of ~~160~~149 metres.	Reference C A replacement side road (including a new overbridge) connecting the circulatory carriageway of the realigned ~~carriageway of the~~ de-trunked A66 to Collier Lane on the north side of the new A66, commencing from ~~a point 30 metres to the south west of~~ the existing junction of the A66 with Collier Lane, and continuing in a north-easterly direction for a distance of ~~215~~149 metres.
	Footpath 20.72/1/1	A length of Footpath 20.72/1/1, from the point where it meets the existing eastbound carriageway of the A66, northwards for a distance of ~~110~~107 metres.	To be substituted by— Reference D A length of new footpath on the north side of the new A66, connecting at its western end with existing Footpath 20.72/1/1, and continuing in a generally easterly direction (crossing Collier Lane at a point 10 metres to the south of the existing access to West Layton Nurseries) until connecting with existing Footpath 20.23/8/1; Reference C (as above); and Reference F A length of new footpath on the south side of the new A66, connecting at its eastern end with existing Footpath 20.23/8/1, and continuing in a generally westerly direction to the northern verge and footpath and cycleway to

Commented [PM9]: The amendment to the length of Collier Lane to be stopped up is related to **Proposed Change 1 - Collier Lane**.

Commented [PM10]: Amendments to Reference C are related to **Proposed Change 1 - Collier Lane**.

Commented [PM11]: The amendment to the length of Footpath 20.72/1/1 to be stopped up is related to **Proposed Change 1 - Collier Lane**.

Commented [PM12]: Amendments to Reference F are related to **Proposed Change 1 - Collier Lane**.

			the north side of the de-trunked A66 before connecting with a length of new equestrian track on the ~~north~~south side of the de-trunked A66, at a point ~~38~~28 metres to the east of the existing Collier Lane bridge.
	Footpath 20.55/1/1	A length of Footpath 20.55/1/1, from the point where it meets the existing eastbound carriageway of the A66, southwards for a distance of 35 metres.	Reference E A length of new footpath to the south of the de-trunked A66, connecting at its ~~eastern~~southern end with existing Footpath 20.55/1/1, and continuing in a generally westerly direction for 42 metres before turning and continuing east for a distance of ~~74~~45 metres, to provide a connection to a point on the de-trunked A66.
Scheme 09 – The rights of way and access plans – sheet 3			
In the administrative area of the North Yorkshire Council	Footpath 20.23/8/1	A length of Footpath 20.23/8/1, from a point 272 metres to the north of the point where it meets the eastbound carriageway of the existing A66, southwards for a distance of 74 metres.	References D, C and F (as above).
	–	–	Reference B* A length of new equestrian track alongside the carriageway of the de-trunked A66 to link with new side roads Reference B and Reference L.
	Bridleway 20.55/6/1	A length of Bridleway 20.55/6/1, from the point where it meets the westbound carriageway of the existing A66, in a generally south-westerly direction	Reference G A length of new bridleway from a point 343 metres to the south-west of the point where it meets the westbound carriageway of the existing A66, continuing

Commented [PM13]: Amendments to Reference E are related to **Proposed Change 1 - Collier Lane**.

		for a distance of 428 metres.	in a north-easterly direction, parallel with the western boundary of Mainsgill Farm, towards the existing A66 for 315 metres, then continuing in a north-westerly direction parallel with the existing A66 for a distance of 143 metres.
	Moor Lane	A length from the point where it meets the eastbound carriageway of the existing A66, in a generally northerly direction for a distance of 255 metres.	Reference J A length of new side road, from its junction with the existing Moor Lane at a point 50 metres to the south-west of the existing entrance to Monks Rest Farm, and continuing in a westerly direction for a distance of 192 metres, to connect with the new Mains Gill Junction.
	–	–	Reference C* A length of new equestrian track commencing on the realigned Moor Lane and continuing through the new Mains Gill Junction (including its connector roads) and passing under the new A66 then connecting at the equestrian crossing facility with new bridleway (Reference K) and then continuing in a south-westerly direction to connect with the de-trunked A66 at the new crossing, and ~~then continuing in an easterly direction~~ to connect with the new bridleway (Reference G).
	–	–	Reference K A length of new bridleway starting from a point 321 metres to the east of the existing junction of New Lane with the A66 continuing in a north-easterly

Commented [PM14]: Amendments to Reference C* are related to **Proposed Change 2 - Mains Gill Junction Bridleway**.

Commented [PM15]: Amendments to Reference K are related to **Proposed Change 2 - Mains Gill Junction Bridleway**.

			direction before turning and heading in a south-easterly direction ~~on the new Mains Gill junction, continuing in a south easterly direction~~ to the point where it meets the de-trunked A66 at a point ~~20~~15 metres to the west of the existing junction of Moor Lane with the A66.
Scheme 09 – The rights of way and access plans – sheets 3 and 4			
In the administrative area of the North Yorkshire Council	Bridleway 20.23/5/1	A length of Bridleway 20.23/5/1, from the point where it meets the westbound carriageway of the existing A66, in a generally northerly direction for a distance of 210 metres.	Reference H A length of new bridleway, from a point on the realigned Moor Lane in a generally easterly direction on the north side of the new A66 to the point where it connects with existing Bridleway 20.23/5/1.
	Warrener Lane	A length from a point 50 metres to the north of the existing junction of Bridleway 20.33/17/1 with Warrener Lane, in a generally northerly direction for a distance of 205 metres.	Reference L A length of new side road from the point where the existing Warrener Lane meets Bridleway 20.33/17/1, in a generally easterly direction (including a length on the alignment of the de-trunked A66) to a point 203 metres to the east of the existing junction of the A66 with Moor Lane, to include a length of new equestrian track.
Scheme 09 – The rights of way and access plans – sheet 4			
In the administrative area of the North Yorkshire Council	Bridleway 20.30/9/1 & 20.33/24/1	Commencing in verge of existing A66 and continuing south and west to connect into the existing Warrener Lane.	Reference M A length of new bridleway from a point 82 metres to the north of the existing junction of Bridleway 20.33/17/1 with the existing Warrener Lane, in a generally northerly direction, for a distance of 161 metres.
	Bridleway 20.30/8/1	A length of Bridleway	Reference N

		20.30/8/1, from a point 40 metres to the south of Warrener House, in a generally southerly direction for a distance of 207 metres.	A length of new bridleway from a point 222 metres to the north of the existing junction of Bridleway 20.33/17/1 with Warrener Lane, in an easterly and then a north-easterly direction, crossing the new A66 via a new underpass, and connecting with the existing Bridleway 20.30/8/1 to the north of the new A66.

SCHEME 11 – A1(M) J53 SCOTCH CORNER

(1) *Area*	*(2)* *Highway to be stopped up*	*(3)* *Extent of stopping up*	*(4)* *New highway to be substituted/provided*
Scheme 11 – The rights of way and access plans – sheet 1			
In the administrative area of the North Yorkshire Council	–	–	Reference A* A length of footway adjacent to the new improved Middleton Tyas Lane, from a point 14 metres east of the junction with Scotch Corner roundabout, at the end of the cycleway facility (Reference B*) and continuing in a north-easterly direction for 66 metres to the existing bus stop location.
	–	–	Reference B* A length of new cycle way adjacent to the new improved Middleton Tyas Lane, from a point 14 metres east of the junction with Scotch corner roundabout, where the existing cycle facility on the northern side of Middleton Tyas crosses the carriageway, continuing in a south westerly direction for 22 metres to connect into existing cycleway which continues around the circulatory carriageway of Scotch Corner roundabout.

PART 2

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

SCHEME 06 – APPLEBY TO BROUGH

(1) *Area*	*(2)* *Street to be stopped up*	*(3)* *Extent of stopping up*
Scheme 06 – The rights of way and access plans – sheet 3		
In the administrative area of Westmorland and Furness Council, and Parish of Warcop	A66 (T) (Existing)	A length from its intersection with Moorhouse Lane in a generally westerly direction, for a distance of 206 metres.
Scheme 06 – The rights of way and access plans – sheet 4		
In the administrative area of Westmorland and Furness Council, and Parish of Warcop	Station Road	A length from its intersection with the existing A66 in a southerly direction, for a distance of 47 metres.
Scheme 06 – The rights of way and access plans – sheet 5		
In the administrative area of Westmorland and Furness Council, and Parish of Musgrave	Langrigg Lane	A length from its intersection with the existing A66 in a south-westerly direction, for a distance of 118 metres.

PART 3

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

SCHEME 0102 – M6 J40 TO KEMPLAY BANK

(1) *Area*	*(2)* *Private means of access to be stopped up*	*(3)* *Extent of stopping up*	*(4)* *New private means of access to be substituted/provided*
Scheme 0102 – The rights of way and access plans – sheet 1			
In the administrative area of Westmorland and Furness Council	–	–	Reference 1 New private means of access to land (including an attenuation pond maintenance area), located 46 metres south of the existing access to Skirsgill Business Park.
	–	–	Reference 2 New private means of access from the

			existing access to Skirsgill Business Park, following the existing alignment to a point 46 metres south of the existing access to Skirsgill Business Park.
	Reference a Access to Cumbria County Council's Skirsgill Depot from the south side of the existing A66, approximately 195 metres east of the existing junction of the A66 with the M6 Junction 40 roundabout.	A length from its junction with the existing A66, generally southwards, for a distance of 50 metres.	Reference 3 To be substituted by a new private means of access located 95 metres to the east of the junction of the existing access with the A66.
Scheme 0102 – The rights of way and access plans – sheet 2			
In the administrative area of Westmorland and Furness Council	Reference b	A length from a point 120 metres north-west of its junction with the existing Skirsgill Lane, in a generally westerly direction for a distance of 68 metres.	Reference 4 To be substituted by a new private means of access from its junction with the existing Skirsgill Lane proceeding generally north-westwards for a distance of 191 metres.
	Reference c Access to field on the north side of the existing A686, 145 metres east of the existing junction of the A686 with the Kemplay Bank Roundabout.	The whole access.	Reference 5 To be substituted by a new private means of access in the same location as stopped up access Reference c, but repositioned 5 metres further north-west, at the new boundary of the improved A686.
	–	–	Reference 6 New private means of access 76 metres to the north-east of the existing Police Station.
	–	–	Reference 7 New private means of access to land

			(including an attenuation pond and maintenance area), 267 metres north-east of the existing Police Station.

SCHEME 03 – PENRITH TO TEMPLE SOWERBY

(1) *Area*	*(2)* *Private means of access to be stopped up*	*(3)* *Extent of stopping up*	*(4)* *New private means of access to be substituted/provided*
Scheme 03 – The rights of way and access plans – sheet 1			
In the administrative area of Westmorland and Furness Council	Reference a Access to a field from the north side of the existing A66, 20 metres north of the junction of the A66 with the B6262.	The whole access.	Reference 1 To be substituted by a new private means of access, 200 metres to the east of the existing access Reference a, together with a right of vehicular access over new cycle track References C and B for the benefit of the land affected by the stopping up of private means of access reference a.
	Reference c Access to a field from the north side of the existing A66, 88 metres north of the existing A66.	The whole access.	Reference 3 To be substituted by a new private means of access 2 metres south of the existing access Reference c, together with a right of vehicular access over the new cycle track Reference C, for the benefit of the land affected by the stopping up of private means of access reference c.
	–	–	Reference 4 A new private means of access to land (including an attenuation pond and maintenance area), 86 metres north-east of the Countess Pillar.
	–	–	Reference 5

			A new private means of access from a point 49 metres south-west of the Countess Pillar, for a distance of 44 metres in a westerly direction to a point 83 metres west of the Countess Pillar, being the site of the former Llama Karma Kafe, together with a right of vehicular access over the new cycle track References B, D and E.
	Reference f Access to a field from the south side of the existing A66, 500 metres east of the existing junction of the A66 with the B6262.	The whole access.	Reference 6 To be substituted by a new private means of access 24 metres south of the existing access Reference f.
	Reference d Access to the existing Sewage Treatment Works from the north side of the A66, 430 metres east of the existing junction between the A66 and the B6262.	A length from its junction with the A66 in a generally northerly direction for a distance of 110 metres.	Reference 7 To be substituted by a new private means of access, at a point 30 metres to the north of the existing access Reference d.
	Reference g Access between two fields, 305 metres east of the existing junction of the A66 with the B6262.	The whole access.	Reference 8 To be substituted by a new private means of access between the two fields, located 10 metres to the north-east of the existing access Reference g, together with a right of vehicular access over the new cycle track References C and F, for the benefit of the land affected by the stopping up of private means of access reference g.
	–	–	Reference 9

			New private means of access to land (including an attenuation pond and maintenance area), 63 metres north of the existing access to Lightwater Cottages.
	Reference h Access to a field from the north side of the existing A66, 40 metres north of the Lightwater Cottages.	The whole access.	Reference 10 To be substituted by a new private means of access, located 66 metres to the north-east of the existing access Reference h, together with a right of vehicular access over the new cycle track References C and F, for the benefit of the land affected by the stopping up of private means of access reference h.
	Reference i Access to a field from the north side of the existing A66, 138 metres to the north-east of the Lightwater Cottages.	The whole access.	Reference 11 To be substituted by a new private means of access, located 35 metres to the north of the existing access Reference i, together with a right of vehicular access over the new cycle track References C and F, for the benefit of the land affected by the stopping up of private means of access reference i.
	Reference k Access to land and premises located south of the existing Lightwater Cottages.	A length from its junction with the A66, southwards for a distance of 86 metres.	Reference 12 To be substituted by a new access from its junction with the improved A66 and continuing in a generally southerly direction for a distance of 100 metres.
	–	–	Reference 13 A new improved

			private means of access (to the sewage pumping station) on its original alignment.
	Reference l Access to a field from the south side of the existing A66, 640 metres to the north-west of Whinfell Park.	The whole access.	References 14 and 15 To be substituted by two new private means of access, 22 metres south of the existing access Reference 1, and via a new private means of access Reference 13.
Scheme 03 – The rights of way and access plans – sheet 2			
In the administrative area of Westmorland and Furness Council and the parish of Langwathby	Reference m Access between two fields on the north side of the existing A66, 640 metres to the north-west of Whinfell Park.	The whole access.	Reference 16 To be substituted by a new private means of access, located 34 metres to the north-west of the existing access Reference m, together with a right of vehicular access over new cycle track References C and F, for the benefit of the land affected by the stopping up of private means of access reference m.
	Reference n Access to a field from the north side of the existing A66, 365 metres to the north-west of Whinfell Park.	The whole access.	Reference 17 To be substituted by a new private means of access, located 34 metres to the north of the existing access Reference n, together with a right of vehicular access over new cycle track References C and F, for the benefit of the land affected by the stopping up of private means of access reference n.
	–	–	Reference 18 A new private means of access to land (including an attenuation pond and maintenance area),

			310 metres to the north-west of Whinfell Park, on the north side of the A66.
	Reference o Access to Whinfell Park, from the south side of the existing A66.	A length from its existing junction with the A66 southwards for a distance of 85 metres.	Reference 19 To be substituted by a new private means of access, located 20 metres to the east of the existing access Reference o.
	–	–	Reference 20 A new private means of access commencing from the substituted access to Whinfell Park (Reference 19) and continuing in a generally north-easterly direction for a distance of 190 metres, crossing the improved A66 via the "Whinfell Accommodation Underpass", together with a right of vehicular access over new cycle track Reference H.
	Reference p Access to a field from the north side of the existing A66, 273 metres to the east of the existing access to Whinfell Park.	The whole access.	Reference 21 To be substituted by a new private means of access, located 91 metres to the north-east of the existing access Reference p, together with a right of vehicular access over the new cycle track Reference H, for the benefit of the land affected by the stopping up of private means of access reference p.
	–	–	Reference 22 A new private means of access to land (including an attenuation pond and maintenance area),

			located on the north side of the A66, 545 metres to the north-east of Whinfell Park.
	Reference q Access to a field from the south side of the existing A66, 287 metres to the east of the existing access to Whinfell Park.	The whole access.	References 19 and 28 To be substituted by new private means of access, via two alternative routes, being via the Whinfell Park access road (Reference 19) or the new A66 on the south side of the new junction at Center Parcs (Reference 28, on sheet 3).
	Reference r Access to a field from the north side of the existing A66, 735 metres to the east of the existing access to Whinfell Park.	The whole access.	Reference 23 To be substituted by a new private means of access, located 91 metres to the north-east of the existing access Reference r, together with a right of vehicular access over new cycle track Reference H, for the benefit of the land affected by the stopping up of private means of access reference r.
	Reference s Access to a field from the south side of the existing A66, 745 metres to the east of the existing access to Whinfell Park.	The whole access.	References 19 and 28 To be substituted by new private means of access, via two alternative routes, being via the Whinfell Park access road (Reference 19) or the new A66 on the south side of the new junction at Center Parcs (Reference 28, on sheet 3).
Scheme 03 – The rights of way and access plans – sheet 3			
In the administrative area of Westmorland and Furness Council	Reference t Access to a field from the north side of the existing A66, 190 metres to the west of	The whole access.	Reference 24 To be substituted by a new private means of access, located 36 metres to the north of

	the existing junction of the Center Parcs access road with the A66.		the existing access Reference t, together with a right of vehicular access over new cycle track Reference H, for the benefit of the land affected by the stopping up of private means of access reference t.
	Reference u Access to a field from the north side of the existing A66, to the north of the existing junction of the Center Parcs access road with the A66.	The whole access.	Reference 25 To be substituted by a new private means of access, located 120 metres to the north of the existing access Reference u, together with a right of vehicular access over new cycle track Reference H, for the benefit of the land affected by the stopping up of private means of access reference u.
	Reference v Access to a field from the north side of the existing A66, to the north of the existing junction of the Center Parcs access road with the A66.	The whole access.	Reference 26 To be substituted by a new private means of access, located 200 metres to the north-east of the existing access Reference v, together with a right of vehicular access over new cycle track Reference H, for the benefit of the land affected by the stopping up of private means of access reference v.
	–	–	Reference 27 A new private means of access to land (including an attenuation pond and maintenance area), located 175 metres to the north-east of the existing junction of the Center Parcs access road with the

			A66.
	–	–	Reference 28 Extension of an existing private means of access 40 metres eastwards to meet the new highway (A66).
	Reference w Access to Center Parcs from the south side of the existing A66.	A length from its junction with the A66, southwards for a distance of 290 metres.	Reference 29 A new private means of access starting from a point 207 metres to the south of the existing junction of the Center Parcs access road with the A66, continuing southwards for approximately 125 metres, to tie into the existing access to Center Parcs.
	–	–	For Reference 30 please refer to sheet 4 (below).
Scheme 03 – The rights of way and access plans – sheet 4			
In the administrative area of Westmorland and Furness Council	Reference y Access to a field from the south side of the existing A66, 1.1 km to the east of the existing access to Center Parcs from the A66.	The whole access.	Reference 30 To be substituted by a new private means of access commencing at the intersection of Footpath 311/004 with the A66 and continuing in a generally easterly and then a southerly direction for a distance of 435 metres, together with a right of vehicular access over new footpath reference J, for the benefit of the land affected by the stopping up of private means of access reference y.
	Reference x Access to a field from the north side of the existing A66, 1.1 km east of the existing access to Center Parcs	The whole access.	Reference 31 To be substituted by a new private means of access, located 40 metres to the north of the existing access.

	from the A66.		
	Reference z Access to a field from the north side of the existing A66, 1.3 km to the east of the existing access to Center Parcs from the A66.	The whole access.	Reference 32 To be substituted by a new private means of access, located 140 metres north-east of the existing access Reference z, together with a right of vehicular access over the new cycle track Reference K and new cycleway Reference B*, for the benefit of the land affected by the stopping up of private means of access reference z.
	–	–	Reference 33 A new private means of access to land (including an attenuation pond and maintenance area), located 475 metres south-west of Lower Woodside.
	Reference za Access to a field from the south side of the existing A66, 14.3 km to the east of the existing access to Center Parcs from the A66.	The whole access.	Reference 30 (as above).

SCHEME 0405 – TEMPLE SOWERBY TO APPLEBY

(1) *Area*	*(2)* *Private means of access to be stopped up*	*(3)* *Extent of stopping up*	*(4)* *New private means of access to be substituted/provided*
Scheme 0405 – The rights of way and access plans – sheets 1 and 2			
In the parish of Temple Sowerby; in the administrative area of Westmorland and Furness Council	Reference a Access to field from the east side of the existing Morland Road, 20 metres from its junction with the existing A66 (shown on sheet 1 of the rights of way and	A length from a point 20 metres south of the junction of the existing A66 and Morland Road, in a generally easterly direction for a distance of 50 metres.	Reference 1 To be substituted by a new private means of access to field between the proposed Temple Sowerby Link Road and the existing A66 as well as to maintenance strip for

	access plans for scheme 0405).		the Proposed Temple Sowerby Link Road, from a point 20 metres south of the junction of the existing A66 and Morland Road, in a generally southerly direction for a distance of 45 metres (as shown on sheet 1 of the rights of way and access plans for scheme 0405).
	–	–	Reference 2 New private means of access to land (including an attenuation pond) on the south-east side of the proposed roundabout on Morland Road from a point 110 metres south of the proposed roundabout, in a generally north-easterly direction for a distance of 285 metres (as shown on sheet 1 of the rights of way and access plans for scheme 0405).
	–	–	Reference 3 New private means of access to Spitals Farm on the north side of the new A66, 195 metres to the west of the existing Spitals Farm Underpass (as shown on sheet 1 of the rights of way and access plans for scheme 0405).
In the parishes of Temple Sowerby and Crackenthorpe; in the administrative area of Westmorland and Furness Council	Reference b Access link to fields on the south side of the existing A66 from the Spitals Farm Underpass (shown on sheet 1 of the rights of way and access plans for scheme 0405).	A length from a point 13 metres to the south of the existing Spitals Farm Underpass, in a generally westerly direction for a distance of 205 metres.	Reference 4 To be substituted by a new private means of access from a point 43 metres to the south of the existing Spitals Farm Underpass in a generally westerly direction for a distance of 207

			metres; together with another length in a generally northerly direction for a distance of 70 metres (as shown on sheet 1 of the rights of way and access plans for scheme 0405).
	–	–	Reference 5 New private means of access to maintenance strip for the Proposed Temple Sowerby Link Road from a point 200 metres to the south-east of the existing Spitals Farm Underpass (as shown on sheet 1 of the rights of way and access plans for scheme 0405).
	–	–	Reference 6 A new private means of access to land on the south side of the new A66, together with a right of vehicular access over new bridleway reference A (as above, in Part 1) for the benefit of that land.
	–	–	Reference 7 New private means of access to maintenance strip south of the new A66, 530 metres to the east of the existing Spitals Farm Underpass (as shown on sheet 1 of the rights of way and access plans for scheme 0405).
	Reference d Access link to field adjacent to Priest Lane via Bridleway 336/007 from its junction with Priest	A length from the junction of Bridleway 336/007 with Priest Lane, in a generally south-westerly direction for a distance of 85 metres.	Reference 8 To be substituted by a new private means of access on the south side of the realigned Priest Lane from a

	Lane (shown on sheets 1 and 2 of the rights of way and access plans for scheme 0405).		point 1 metre west of the junction of Priest Lane with Bridleway 336/007 (as shown on sheets 1 and 2 of the rights of way and access plans for scheme 0405).
	–	–	Reference 9 New private means of access to field on the north side of the realigned Priest Lane, 25 metres to the west of the junction of the existing Priest Lane with Bridleway 336/007 (as shown on sheets 1 and 2 of the rights of way and access plans for scheme 0405).
	–	–	Reference 10 New private means of access to land on the south side of the realigned Priest Lane (including drainage pond), 50 metres to the south-east of the junction of the existing Priest Lane with Bridleway 336/007 (as shown on sheets 1 and 2 of the rights of way and access plans for scheme 0405).
	Reference e Access to field from the north side of the existing Priest Lane, 75 metres to the east of its junction with the existing Bridleway 336/007 (as shown on sheets 1 and 2 of the rights of way and access plans for scheme 0405).	The whole access.	Reference 11 To be substituted by a new private means of access to field on the north side of the realigned Priest Lane, 178 metres north-east of Point B (as shown on sheet 2 of the rights of way and access plans for scheme 0405).
	Reference i Access to field from	The whole access.	Reference 12 To be substituted by a

	the north side of the existing Priest Lane, 236 metres to the east of its junction with the existing Bridleway 336/007 (shown on sheet 2 of the rights of way and access plans for scheme 0405).		new private means of access to field on the north side of the realigned Priest Lane, between the proposed Priest Lane Underpass and the realigned Station Road (as shown on sheet 2 of the rights of way and access plans for scheme 0405).
	–	–	Reference 16 New private means of access to land on the west side of the realigned Cross Street (including a drainage tank), 217 metres north of the proposed Cross Street Bridge (as shown on sheet 2 of the rights of way and access plans for scheme 0405).
	Reference p Access to fields north of the new bridleway (Reference B) (shown on sheet 2 of the rights of way and access plans for scheme 0405).	A length along the route of Bridleway 336/018 from its junction with the existing Cross Street in a north-easterly direction for a distance of 206 metres, to its junction with the new bridleway (Reference B).	References 20 and 78 To be substituted by new private means of access to land on the north side of the new A66, including a right of vehicular access over the new bridleway Reference B and the new footpath Reference K (as above, in Part 1) (as shown on sheet 2 of the rights of way and access plans for scheme 0405).
	–	–	Reference 27 New private means of access to maintenance strip on the proposed Fell Lane Westbound Connector Road (as shown on sheet 2 of the rights of way and access plans for scheme 0405).
Scheme 0405 – The rights of way and access plans – sheets 2 and 3			
In the parish of	Reference q	A length along Green	References 24 and 26

Kirkby Thore; in the administrative area of Westmorland and Furness Council	(Green Lane Track) Access to fields on the north side of the new A66 (shown on sheet 2 of the rights of way and access plans for scheme 0405).	Lane Track from its junction with the existing Cross Street in a north-easterly direction to Point F, a distance of 400 metres.	To be substituted by— Reference 24: a new private means of access (including a right of vehicular access) providing access to the new footpath (Reference C); to land lying to the north of the new A66; and to maintenance strips on the north and south sides of the new A66; and crossing the new A66 (via a bridge) to connect to new private means of access (Reference 26) (as shown on sheet 2 and sheet 3 of the rights of way and access plans for scheme 0405); and Reference 26: a new private means of access (including a right of vehicular access) from the edge of Ashton Lea field in a generally north-easterly direction for a distance of 93 metres and joining onto another new private means of access (Reference 24) at Point S and with a right of vehicular access over new footpath (Reference C) (as shown on sheet 2 of the rights of way and access plans for scheme 0405).
	Reference s Access to fields north of the new A66 (shown on sheets 2 and 3 of the rights of way and access plans for scheme 0405).	A length of Green Lane Track from a point 215 metres to the north of the junction of Green Lane Track with Footpath 336/011 in a north-easterly	To be substituted by— A new private means of access (Reference 24) from the edge of Ashton Lea field in a generally north-

		direction for a distance of 401 metres.	easterly direction for a distance of 494 metres and joining onto another new private means of access (Reference 26) at Point S, and with a right of vehicular access over new footpath (Reference C) from a point 162 metres to the west of Point U, continuing in a generally easterly direction to Point T and continuing from Point T to the junction of the new footpath with the existing Footpath 336/013 a total distance of 494 metres (as shown on sheets 2 and 3 of the rights of way and access plans for scheme 0405).
	–	–	Reference 25 New private means of access to land on the west side of the realigned Fell Lane, 97 metres north-east of the proposed Fell Lane Bridge for a distance of 38 metres in a north-westerly direction (as shown on sheets 2 and 3 of the rights of way and access plans for scheme 0405).
	–	–	Reference 29 New private means of access to field on the south side of the existing A66, 315 metres east of the junction of Piper Lane with the existing A66 (as shown on sheet 2 of the rights of way and access plans for scheme 0405).
	–	–	Reference 30

			New private means of access to field on the south side of the existing A66, 276 metres east of the junction of Piper Lane with the existing A66 (as shown on sheet 2 of the rights of way and access plans for scheme 0405).
	–	–	Reference 31 New private means of access to field on the south side of the existing A66, 232 metres east of the junction of Piper Lane with the existing A66 (as shown on sheet 2 of the rights of way and access plans for scheme 0405).
	–	–	Reference 32 New private means of access to field on the north side of the existing A66, 167 metres east of the junction of the existing A66 with Piper Lane (as shown on sheet 2 of the rights of way and access plans for scheme 0405).
	–	–	Reference 33 New private means of access to forecourt on the north side of the existing A66, 187 metres east of the junction of the existing A66 with Piper Lane (as shown on sheet 2 of the rights of way and access plans for scheme 0405).
	–	–	Reference 34 A new private means

			of access to field on the south side of the existing Sleastonhow Lane at a point 245 metres south-east of the junction between the existing Sleastonhow Lane and Main Street (as shown on sheet 3 of rights of Way and Access Plans for scheme 0405).
In the parish of Kirkby Thore; in the administrative area of Westmorland and Furness Council	–	–	Reference 35 A new private means of access to land (including an attenuation pond) on the south side of the realigned Fell Lane 65 metres north-east of the junction between the realigned Fell Lane and the new side road; and joining onto the north side of the new side road at a point 110 metres south-east of the junction between the realigned Fell Lane and the new side road (as shown on sheet 3 of rights of Way and Access Plans for scheme 0405).
	Reference t A private means of access to an industrial estate from the south side of the existing Fell Lane at a point 175 metres north-east of the junction between the existing Fell Lane and the existing Main Street (shown on sheet 2 of the rights of way and access plans for scheme 0405)	A length from its junction with Fell Lane, for a distance of 25 metres in an easterly direction	Reference 28 To be substituted by a new private means of access from the south side of the realigned Fell Lane at a point 170 metres north-east of the junction between existing Fell Lane and existing Main Street (as shown on sheet 2 and 3 of rights of way and access plans for scheme 0405).
	Reference x A private means of access to a field on the north side of the	The whole access.	Reference 36 To be substituted by a new private means of access to a field on the

	existing Main Street, 510 metres from its junction with Sleastonhow Lane (shown on sheet 3 of the rights of way and access plans for scheme 0405)		north side of the new side road at a point 190 metres south-east of the junction between the new side road and the realigned Fell Lane (as shown on sheet 3 of rights of way and access plans for scheme 0405).
	–	–	Reference 37 A new private means of access to a field on the south side of the new side road, as well as to maintenance strips on the north side of the new A66 and associated highway bund, at a point 405 metres south-east of the junction between the new side road and the realigned Fell Lane (as shown on sheet 3 of rights of way and access plans for scheme 0405).
	Reference y A private means of access to a field on the south side of the existing Main Street, 455 metres from its junction with Sleastonhow Lane (as shown on sheet 3 of the rights of way and access plans for scheme 0405)	The whole access.	Reference 38 To be substituted by a new private means of access to a field on the south side of the new side road at a point 430 metres south-east of the junction between the new side road and the realigned Fell Lane (as shown on sheet 3 of rights of way and access plans for scheme 0405).
	–	–	Reference 74 New private means of access to maintenance strip on the south side of the new A66, between Fell Lane the existing Main Street (as shown on sheets 2 and 3 of rights of way and access plans for scheme 0405).
Scheme 0405 – The rights of way and access plans – sheet 3 and 4			

In the parish of Crackenthorpe; in the administrative area of Westmorland and Furness Council	–	–	Reference 40 A new private means of access on the south side of the existing A66 at a point 65 metres south-east of the junction between the existing A66 and existing Main Street (as shown on sheet 4 of rights of way and access plans for scheme 0405).
	Reference z Private means of access to field on the north side of the existing A66, 400 metres south-east of the junction between the existing A66 and existing Main Street (as shown on sheet 4 of the rights of way and access plans for scheme 0405)	The whole access.	Reference 41 To be substituted by a new private means of access on the north side of the existing A66 at a point 400 metres south-east of the junction between the existing A66 and existing Main Street (as shown on sheet 4 of rights of way and access plans for scheme 0405).
	Reference aa A private means of access to field on the north side of the Old Station Yard, 115 metres north-west of the Old Station Yard (shown on sheet 4 of the rights of way and access plans for scheme 0405)	The whole access.	Reference 42 To be substituted by a new private means of access on the north side of the existing A66 at a point 115 metres north-west of the Old Station Yard (as shown on sheet 4 of rights of way and access plans for scheme 0405).
In the parish of Kirkby Thore; in the administrative area of Westmorland and Furness Council	–	–	Reference 39 A new private means of access to existing Sleastonhow Lane as well as to maintenance strip on the north side of the realigned Sleastonhow Lane, from a point 395 metres from the junction of the realigned Sleastonhow Lane with Main

			Street, in a generally south-easterly direction for a distance of 213 metres (as shown on sheets 3 and 4 of the rights of way and access plans for scheme 0405).
	–	–	Reference 44 A new private means of access to land adjoining the existing Sleastonhow Lane as well as to maintenance strip on the north side of the new A66 from a point 843 metres south-east of the junction of Main Street and the existing Sleastonhow Lane (as shown on sheets 3 and 4 of the rights way and access plans for scheme 0405).
	–	–	Reference 43 New private means of access to field on the north side of the realigned Sleastonhow Lane (including a drainage pond) as well as to maintenance strips on the north side of the realigned Sleastonhow Lane and the north side of the new A66, 182 metres south-east of the new Sleastonhow Lane Bridge (as shown on sheets 3 and 4 of the rights of way and access plans for scheme 0405).
	–	–	Reference 45 A new private means of access to a field from the north side of the realigned Sleastonhow Lane at a point 910 metres south-east of the

			junction of Main Street and the existing Sleastonhow Lane (as shown on sheets 3 and 4 of the rights of way and access plans for scheme 0405).
	–	–	Reference 46 New private means of access to land (including a drainage pond) south of the realigned Sleastonhow Lane (as well as access to maintenance strip on the south side of the realigned Sleastonhow Lane), from a point 300 metres north-east of the junction of the existing A66 and the existing Farm Track in a generally northerly direction for a distance of 820 metres (as shown on sheet 4 of the rights of way and access plans for scheme 0405).
	Reference ah Access to existing Sleastonhow Lane and to fields via a farm track between the existing A66 and Sleastonhow Lane (shown on sheet 4 of rights of way and access plans for scheme 0405)	A length along the existing Farm Track from a point 335 metres north-east of its junction with the existing A66 for a distance of 188 metres in a north-easterly direction; and including another length from its midpoint, in a south-easterly direction for a distance of 125 metres	Reference 47 To be substituted by a new private means of access (the Trout Beck Bridge north shore farm track) passing under the new Trout Beck Viaduct in a U-shape and tying back onto the existing Farm Track, a length of 555 metres (as shown on sheet 4 of rights of way and access plans for scheme 0405).
	Reference ae Private means of access to fields on the north side of the existing A66, 540 metres south-east of the Old Station Yard (shown on sheet 4 of	The whole access.	Reference 48 To be substituted by a new private means of access on the north side of the existing A66 at a point 540 metres south-east of the Old Station Yard

	the rights of way and access plans for scheme 0405)		(as shown on sheet 4 of the rights of way and access plans for scheme 0405).
	–	–	Reference 49 A length of new private means of access from a point 144 metres to the north-west of the junction of the existing A66 with Footpath 317/008 in a north-easterly direction for 292 metres to Point L, followed by another length in a generally north-easterly direction towards the new A66 for a distance of 78 metres to Point M; a total distance of 812 metres (as shown on sheets 4 and 5 of the rights of way and access plans for scheme 0405).
	–	–	Reference 50 A length of new private means of access along a stopped-up length of the existing Long Marton Road from a point 90 metres north of the junction of the existing A66 with the existing Long Marton Road for a distance of 135 metres (as shown on sheet 5 of the rights of way and access plans for scheme 0405).
Scheme 0405 – The rights of way and access plans – sheet 5			
In the parish of Crackenthorpe; in the administrative area of Westmorland and Furness Council	–	–	Reference 75 New private means of access to land (including a drainage pond) on the north side of the new footpath (Reference F) and new private

			means of access (Reference 52), 40 metres north of the junction of new footpath Reference F with the existing Long Marton (Road) (as shown on sheet 5 of the rights of way and access plans for scheme 0405).
	–	–	Reference 76 (Not used)
	Reference ai (Powis House access road) (shown on sheet 5 of the rights of way and access plans for scheme 0405)	A 247 metre length of the existing Powis House access road from its junction with the existing Long Marton (Road) in a generally north-westerly direction, to its tie-in with the new replacement private means of access (Reference 52)	Reference 52 To be substituted by a new private means of access, on the alignment of, and with a right of vehicular access over, new footpath Reference F, from a point 15 metres north-east of the junction of the existing Long Marton Road and Powis House access road in a generally north-westerly direction to its tie-in point with the existing Powis House access road, 60 metres from Powis House, over a distance of 235 metres (as shown on sheet 5 of the rights of way and access plans for scheme 0405).
	–	–	Reference 51 A new private means of access to field on the north side of the existing Long Marton (Road), from a point 355 metres north-east of the junction of the existing Long Marton (Road) with the existing A66 (as shown on sheet 5 of the rights of way and access plans for scheme 0405).
	–	–	Reference 57

			A new private means of access to fields on the north side of the new Bridleway (Reference G), from a point 35 metres south-east of the new Long Marton Underpass, in a generally northerly direction for a distance of 106 metres (as shown on sheet 5 of the rights of way and access plans for scheme 0405).
	–	–	Reference 53 New private means of access to land on the south side of the existing Long Marton (Road) (including drainage pond) 11 metres north-west of the junction of the existing Long Marton (Road) and realigned Long Marton (as shown on sheet 5 of rights of Way and Access Plans for scheme 0405).
	–	–	Reference 41 (Not Used)
	–	–	Reference 54 New private means of access to fields on the east side of the realigned Long Marton (as shown on sheet 5 of rights of Way and Access Plans for scheme 0405).
	–	–	Reference 58 New private means of access to land on the west side of the realigned Long Marton (Road) (including drainage pond) (as shown on sheet 5 of rights of way and access plans

			for scheme 0405).
	–	–	Reference 59 New private means of access to maintenance strip on the south side of the realigned Long Marton, from a point 15 metres north-east of its junction with the existing A66 (as shown on sheet 5 of the rights of way and access plans for scheme 0405).
	–	–	Reference 60 New private means of access to the north of the existing A66, at a point 125 metres south of the junction between the existing A66 and the realigned Long Marton (Road) (as shown on sheet 5 of rights of Way and Access Plans for scheme 0405).
	–	–	Reference 61 New private means of access from the north side of the existing A66, at a point 220 metres south of the junction between the existing A66 and the realigned Long Marton (Road) (as shown on sheet 5 of rights of way and access plans for scheme 0405).
	Reference zd Access to fields north of the existing A66 along Roman Road and east of the existing Long Marton (Road) (shown on sheet 5 of the rights of way and access plans for scheme 0405).	A length of private means of access along Bridleway 341/001 from a point 292 metres from its junction with the existing Long Marton (Road) in a south-easterly direction for a distance of 245 metres.	Reference 55 To be substituted by a new private means of access via new bridleway reference G (as above in Part 1), together with a right of vehicular access over the new bridleway Reference G) (as shown on sheet

			5 of the rights of way and access plans for scheme 0405).
Scheme 0405 – The rights of way and access plans – sheet 6			
In the parish of Crackenthorpe; in the administrative area of Westmorland and Furness Council	–	–	Reference 62 A new private means of access to land (including a drainage pond) on the south side of the new A66, a distance of 775 metres in a generally north-easterly direction from Crackenthorpe (as shown on sheet 6 of the rights of way and access plans for scheme 0405).
	–	–	Reference 63 A new private means of access to land on the north side of the new A66 from a point approximately 210 metres north of Crackenthorpe, in a generally north-easterly direction and passing under the new Crackenthorpe Underpass before connecting to Bridleway 341/001 along Roman Road (as shown on sheet 6 of the rights of way and access plans for scheme 0405).
Scheme 0405 – The rights of way and access plans – sheet 7			
In the parish of Crackenthorpe; in the administrative area of Westmorland and Furness Council	Reference au Access to fields between Roger Head Farm and the existing Roman Road (along existing track) (shown on sheet 7 of the rights of way and access plans for scheme 0405).	A length of private means of access (existing track) along the route of Footpath 317/004 between Roger Head Farm and the existing Roman Road from a point 240 metres north-east of Roger Head Farm, for a distance of 117 metres in a north-easterly direction, to a point 23 metres from its junction with the existing Roman Road.	Reference 64 To be substituted by a new private means of access (including access to maintenance strips north and south of the new A66), from a point 240 metres north-east of Roger Head Farm on the existing alignment of Footpath 317/004 in a south-easterly direction for a distance of 125

			metres, followed by another distance of 225 metres in a generally north-easterly direction and over the proposed Roger Head Farm Bridge, to its junction with the existing Roman Road, a total distance of 350 metres (as shown on sheet 7 of the rights of way and access plans for scheme 0405).
	–	–	Reference 65 New private means of access connecting Roger Head Farm to the new bridleway (Reference J) and private means of access (Reference 64) (as shown on sheet 7 of the rights of way and access plans for scheme 0405).
	–	–	Reference 66 New private means of access to land on the north side of the existing A66 (including a drainage pond) and to maintenance strip south of the new A66, from a point 450 metres south-west of the proposed Roger Head Farm Bridge in a generally easterly direction for a distance of 590 metres (as shown on sheet 7 of rights of way and access plans for scheme 0405).
	–	–	Reference 67 New private means of access between Bridleway 341/001 and the new A66, from a point 165 metres north of the

			junction between the existing A66 and the improved B6542, extending in a generally north-easterly direction for a distance of 252 metres, to its junction with Bridleway 341/001 (as shown on sheet 7 of rights of way and access plans for scheme 0405).
	–	–	Reference 68 New private means of access to land on the south side of the existing B6542, located at a point 89 metres south-east of the junction between the existing B6542 and the existing A66 (as shown on sheet 7 of rights of way and access plans for scheme 0405).
	Reference ay Access to field on the south side of the existing B6542 at a point 250 metres south-east of the junction of the existing B6542 and the existing A66 (shown on sheet 7 of the rights of way and access plans for scheme 0405).	The whole access.	Reference 69 New private means of access to land on the south side of the realigned B6542 (including a drainage pond), from a point 30 metres east of the junction of the realigned B6542 with the new private means of access (Reference 68) (as shown on sheet 7 of rights of way and access plans for scheme 0405).
	–	–	Reference 70 New private means of access from the south side of the existing B6542, located at a point 310 metres south-east of the junction between the existing B6542 and the existing A66 (as shown on sheet 7 of

			rights of way and access plans for scheme 0405).
	–	–	Reference 71 New private means of access from the north side of existing B6542, located at a point 378 metres south-east of the junction between the existing B6542 and the existing A66 (as shown on sheet 7 of rights of way and access plans for scheme 0405).
	–	–	Reference 72 New private means of access from the north side of existing B6542, located at a point 415 metres south-east of the junction between the existing B6542 and the existing A66 (as shown on sheet 7 of rights of way and access plans for scheme 0405).
	–	–	Reference 73 New private means of access to land on the south side of the existing B6542, located at a point 501 metres south-east of the junction between the existing B6542 and the existing A66 (as shown on sheet 7 of rights of way and access plans for scheme 0405).
	–	–	Reference 77 New private means of access to maintenance strip on the south side of the new A66, located on the north side of the realigned

			B6542 at a point 450 metres south-east of the junction between the existing B6542 and the existing A66 (as shown on sheet 7 of rights of way and access plans for scheme 0405).

SCHEME 06 – APPLEBY TO BROUGH

(1) *Area*	*(2)* *Private means of access to be stopped up*	*(3)* *Extent of stopping up*	*(4)* *New private means of access to be substituted/provided*
Scheme 06 – The rights of way and access plans – sheet 1			
In the administrative area of Westmorland and Furness Council, and Parish of Warcop	Reference a Access to premises (occupied by Café Sixty Six) on the north side of the existing A66, at the point where Footpath 372/028 meets the existing A66.	The whole access.	Reference 1 To be substituted by a new private means of access diverging off and merging back onto the eastbound carriageway of the new A66, providing access to Café Sixty Six and passing to the rear thereof.
	Reference b Access to Far Bank End from the south side of the existing A66 to and from its eastbound carriageway, 174 metres south-east of the Café Sixty Six.	The whole access.	To be substituted by References 2, 3, 4 and 5 New private means of access on the same alignment as part of new cycleway Reference A* (Reference 2) and equestrian track Reference B* (Reference 3), together with a right of vehicular access to be granted over cycleway Reference A* and equestrian track Reference B*, for the benefit of the land affected by the stopping up of private means of access reference b, for access to the eastbound carriageway of the new A66; and New private means of

			access via References 4 and 5 (see below) for access to the westbound carriageway of the new A66.
	–	–	Reference 4 New private means of access linking private means of access References 3 and 5 between New Hall Farm Drive and Farm Bank End.
	Reference d Access to and from the A66 to New Hall Farm at a point 440 metres south-east of the Café Sixty Six.	A length from its junction with existing A66 southwards for a distance of 22 metres.	Reference 5 To be substituted by a new private means of access providing access from the westbound carriageway of the new A66, to New Hall Farm.
	–	–	Reference 6 New private means of access from New Hall Farm Drive (via Reference 5) to land (including drainage pond).
	–	–	Reference 7 New private means of access from New Hall Farm Drive (via Reference 5) to land (including drainage pond).
	Reference c Access to land on the north side of the existing A66 from a point 340 metres south-east of the Café Sixty Six.	The whole access.	Reference 8 New private means of access from proposed Far Bank End Underpass to land on the north side of new A66 on the same alignment as part of new cycleway Reference A* together with a right of vehicular access to be granted over part of new cycleway

			Reference A*, for the benefit of the land affected by the stopping up of private means of access reference c.
	Reference e Access to land on the north side of the existing A66, 635 metres south-east of the Café Sixty Six.	The whole access.	Reference 9 To be substituted by a new private means of access (from the new Sandford Junction Link Road) on the same alignment as part of new cycleway Reference A* together with a right of vehicular access to be granted over part of new cycleway Reference A*, for the benefit of the land affected by the stopping up of private means of access reference e (as shown on sheets 1 and 2 of the rights of way and access plans) and via private means of access Reference 13 (see below).
	Reference f Access to land on the north side of the existing A66, 978 metres south-east of the Café Sixty Six.	The whole access.	To be substituted by Reference 9 (as above) new private means of access providing access to land on the north side of the new A66; and Reference 13 (see below) new private means of access to land on the north side of the new A66.
	Reference g Access to land on the north side of the existing A66, 1.2 km metres south-east of the Café Sixty Six.	The whole access.	To be substituted by Reference 9 (as above) new private means of access providing access to land on the north side of the new A66; and Reference 13 (see below) new private means of access to land on the north side

			of the new A66.
	Reference h Access to land on the south side of the existing A66, from a point 1.2 km metres south-east of the Café Sixty Six.	The whole access.	Reference 11 To be substituted by a new private means of access from the new realigned B6259 on the south side of the new A66 (as shown on sheets 1 and 2 of the rights of way and access plans) and via private means of access Reference 12 (see below).
	Reference i Access to land on the north side of the existing A66, from a point 1.3 km south-east of the Café Sixty Six.	The whole access.	To be substituted by Reference 9 (as above) new private means of access providing access to land on the north side of the new A66; and Reference 13 (see below) new private means of access to land on the north side of the new A66.
Scheme 06 – The rights of way and access plans – sheet 2			
In the administrative area of Westmorland and Furness Council, and Parish of Warcop	–	–	Reference 10 New private means of access to land on the north side of new A66 via private means of access Reference 9 (as above) and private means of access Reference 13 (as below).
	–	–	Reference 11 New private means of access to land on the south side of the new A66 to the west of the new Sandford Junction Link Road via private means of access Reference 12 (as below).
	Reference j Access to land on the south side of the existing A66, from a	The whole access.	References 11 and 12 To be substituted by a new private means of access from the new

	point 484 metres north-west of its junction with the existing B6259.		Sandford Junction Link Road on the south side of the new A66 via private means of access Reference 12 (as below).
	Reference k Access to land on the north side of the existing A66, from a point 368 metres north-west of its junction with the existing B6259.	The whole access.	To be substituted by Reference 9 (as above) new private means of access to land on the north side of the new A66 And via private means of access Reference 13 (see below).
	Reference l Access to land on the south side of the existing A66, from a point 290 metres north-west of its junction with the existing B6259.	The whole access.	To be substituted by Reference 11 (as above) new private means of access to land on the south side of the new A66 and via private means of access Reference 12 (see below).
	Reference m Access to land on the south side of the existing A66, from a point 162 metres north-west of its junction with the existing B6259.	The whole access.	To be substituted by Reference 11 (as above) new private means of access to land on the south side of the new A66 And via private means of access Reference 12 (see below).
	–	–	Reference 12 New private means of access to land (including drainage pond) on the south side of the new A66 from the new realigned B6259.
	Reference n Access to land on the north side of the existing A66, from a point 139 metres north-west of its junction with the existing B6259.	The whole access.	To be substituted by Reference 9 (as above) new private means of access to land on the north side of the new A66 and via private means of access Reference 13 (see below).
	–	–	Reference 13 New private means of access to land on the north side of new A66

			from the new Sandford Junction Link Road.
	–	–	Reference 14 New private means of access to land (including drainage pond) on the south side of the new A66 from the new realigned B6259.
	Reference p Access to land on the south-eastern side of the existing B6259, from a point 185 metres south of its junction with the existing A66.	The whole access.	Reference 15 To be substituted by a new private means of access to land (including drainage pond) from the new realigned B6259 on the south side of new A66.
	–	–	Reference 16 New private means of access to land (including drainage pond) on the north side of new A66 via private means of access Reference 9 (as above) and private means of access Reference 13 (as above).
Scheme 06 – The rights of way and access plans – sheet 3			
In the administrative area of Westmorland and Furness Council, and Parish of Warcop	Reference s Access to land on the south side of the existing A66, from a point 230 metres west of its junction with Moorhouse Lane.	The whole access.	Reference 17 To be substituted by a new private means of access from the existing (de-trunked) A66 (new C3077) on the same alignment as part of new footway Reference G* together with a right of vehicular access to be granted over new footway Reference G*, for the benefit of the land affected by the stopping up of private means of access Reference s.
	–	–	Reference 18

			New private means of access to land (including drainage pond) on the south side of the new A66, from the existing (de-trunked) A66 (new Unclassified Road U3221, Moorhouse Link), and continuing on the same alignment as part of new footway Reference H* together with a right of vehicular access to be granted over new footway Reference H*, for the benefit of land on the south side of the new A66; and via new private means of access Reference 19 (see below).
	–	–	Reference 19 New private means of access to land (including drainage pond) on the south side of the new A66, located 270 metres to the south-west of Hayber Lane and via private means of access Reference 18 (see above).
	–	–	Reference 20 New private means of access to land on south side of the existing A66 from a point 24 metres south of its junction with Hayber Lane.
	–	–	Reference 21 New private means of access to land on north side of the new improved C3077 from a point 105 metres south-east of its junction with Hayber Lane.

Scheme 06 – The rights of way and access plans – sheet 4			
In the administrative area of Westmorland and Furness Council, and Parish of Warcop	–	–	Reference 22 New private means of access to land (including drainage pond) on the south side of the new A66, from the new Warcop Junction Link Road, following the route of the stopped-up length of Warcop Road.
	Reference t Access to MOD compound and land on the north side of the existing A66, from a point 11 metres west of its junction with Warcop Road.	The whole access.	Reference 23 To be substituted by a new private means of access from the new Warcop Junction Link Road at a point west of the junction of the existing A66 and Warcop Road.
	Reference u Access to MOD playing field off Warcop Road on the south side of the existing A66, from a point 92 metres south-west of its junction with the existing A66.	The whole access.	Reference 25 To be substituted by a new private means of access to the proposed replacement MOD playing field from a point at the junction of the B6259 and Castlehill Road to the south-east of Warcop for a distance of 440 metres in a generally north-easterly direction.
	Reference v Access to land off Warcop Road on the south side of the existing A66, from a point 112 metres south-west of the junction of Warcop Road with the existing A66.	The whole access.	To be substituted by Reference 25 (as above).
	Reference w Access to land off Warcop Road on the south side of the existing A66, from a point 112 metres	The whole access.	To be substituted by Reference 25 (as above).

	south-west of the junction of Warcop Road with the existing A66.		
	Reference y Access to MOD training ranges, compound and land on the north side of the existing A66, from a point 215 metres south-east of its junction with Warcop Road.	The whole access.	To be substituted by Reference 23 (as above).
	Reference za Access to MOD land on the north side of the existing A66, from a point 375 metres east of its junction with Warcop Road.	The whole access.	To be substituted by Reference 23 (as above).
	–	–	Reference 24 New private means of access to land (including drainage pond) on the south side of the new A66 from Station Road to the south-east of the new Warcop Junction Link Road.
	Reference zb Access to property known as Toddygill Hall on the north side of the existing A66, from a point 517 metres east of its junction with the existing Warcop Road.	A length from its junction with the existing A66 for a distance of 10 metres in a generally north-easterly direction.	Reference 26 To be substituted by a new private means of access to Toddygill Hall from the new improved C3077.
	Reference zc Access to property known as Eastfield Gate on the north side of the existing A66, from a point 595 metres east of its junction with the existing Warcop Road.	A length from its junction with the existing A66 for a distance of 10 metres in a generally north-easterly direction.	Reference 27 To be substituted by a new private means of access to Eastfield Gate from the new improved C3077.

	Reference zd Access to existing MOD compound on the north side of the existing A66, from a point 15 metres east of its junction with Station Road.	A length from its junction with the existing A66 for a distance of 10 metres in a generally north-easterly direction.	Reference 28 To be substituted by a new private means of access to new MOD compound from the new improved C3077.
	Reference ze Access to existing MOD compound on the north side of the existing A66, from a point 200 metres east of its junction with Station Road.	The whole access.	Reference 29 To be substituted by a new private means of access to new MOD compound, from the new improved C3077 and to be substituted by References 30 and 31 new private means of access to new MOD compound, from the new improved C3077 and via private means of access Reference 31 (see below).
	–	–	Reference 31 New private means of access to MOD training ranges and compound from the new improved C3077.
	–	–	Reference 32 New private means of access for the benefit of East Field Farm from a point 32 metres to the south-west of the proposed Flitholme Road Underbridge in a generally westerly direction for a distance of 420 metres to the field boundary directly to the east of East Field Farm (as shown on sheets 4 and 5 of the rights of way and access plans).
Scheme 06 – The rights of way and access plans – sheet 5			
In the administrative area of Westmorland and Furness Council,	–	–	Reference 33 New private means of

and Parish of Warcop			access to land (including drainage pond) on the east side of the new Flitholme Road.
	–	–	Reference 34 New private means of access to land (including drainage pond) on the west side of the new Flitholme Road.
In the administrative area of Westmorland and Furness Council, and Parish of Musgrave	–	–	Reference 35 New private means of access to land (including drainage pond) on the west side of Langrigg Lane.
Scheme 06 – The rights of way and access plans – sheet 6			
In the administrative area of Westmorland and Furness Council, and Parish of Musgrave	Reference zm Access to land on the north side of the existing A66, from a point 808 metres east of its junction with Langrigg Lane.	A length from its junction with the existing A66 for a distance of 5 metres in a generally northerly direction.	Reference 36 To be substituted by a new private means of access from the new and improved C3077 to the north of the new A66, in a similar location to the existing private means of access.
In the administrative area of Westmorland and Furness Council, Parish of Musgrave and Parish of Brough	–	–	Reference 37 New private means of access to land (including drainage ponds) on the south side of the new A66 from West View Farm (as shown on sheets 5 and 6 of the rights of way and access plans).
In the administrative area of Westmorland and Furness Council, Parish of Helbeck and Parish of Brough	Reference zq Access to land and property known as Foxtower View on the south side of the existing A66, from a point 558 metres north-west of the Musgrave Lane Overbridge.	The whole access.	To be substituted by Reference 39 New private means of access to land on the south side of the new A66; and Reference 42 New private means of access Reference 42, via the new West

			View Farm Overbridge, and linking to the new private means of access Reference 37 and West View Farm; and Reference 45 New private means of access between Reference 42 and the new improved C3077 (de-trunked A66); and Reference 43 New private means of access via the new bridleway Reference X, together with a right of vehicular access over Reference X, to connect to Musgrave Lane. Reference 40 New private means of access between private means of access Reference 42 and private means of access Reference 43.
	Reference zr Access to land and property known as Mains House on the south side of the existing A66, from a point 528 metres north-west of the Musgrave Lane Overbridge.	The whole access.	To be substituted by Reference 41 New private means of access to Mains House; and References 40, 43 and 45 (as above).
	Reference zp Access to land and properties on the south side of the existing A66, from a point 759 metres north-west of the Musgrave Lane Overbridge.	The whole access.	To be substituted by Reference 42 (as above) New private means of access to land and properties on the south side of the existing A66; and

			Via References 40 and 43 (as above).
In the administrative area of Westmorland and Furness Council and Parish of Helbeck	–	–	Reference 44 New private means of access to land (including drainage pond) on the north side of the new A66 and the new and improved C3077 via new highway access Reference U (as above).
	Reference zs Access to land on the north side of the existing A66, from a point 540 metres north-west of the Musgrave Lane overbridge.	A length from its junction with the existing A66 for a distance of 15 metres in a generally northerly direction.	Reference 45 (as above)
In the administrative area of Westmorland and Furness Council and Parish of Brough	–	–	Reference 46 New private means of access to land (including drainage pond) on the south side of the new A66 via private means of access Reference 43 (as above).

SCHEME 07 – BOWES BYPASS

(1) *Area*	*(2)* *Private means of access to be stopped up*	*(3)* *Extent of stopping up*	*(4)* *New private means of access to be substituted/provided*
Scheme 07 – The rights of way and access plans – sheet 1			
In the administrative area of Durham County Council	–	–	Reference 1 New private means of access to land (including an attenuation pond) on the south side of the new A66, to the south of The Street.
	References a and b Access to farmland on the north side of the existing A66, 263 metres west of the	The whole access.	Reference 2 To be substituted by a new private means of access on the west side of Clint Lane, to

	existing Clint Lane overbridge.		the north of the improved A66.
	–	–	Reference 3 New private means of access on the east side of Clint Lane, to the north of the improved A66.
Scheme 07 – The rights of way and access plans – sheet 2			
In the administrative area of Durham County Council	–	–	Reference 4 New private means of access to land on the north side of the improved A66 via the extended Lyndale Farm Underpass.
	–	–	Reference 5 New private means of access to land (including an attenuation pond) on the south side of the improved A66, via the existing unnamed side road from the A67 at the Bowes Junction, 120 metres south-east of the existing A66 underbridge.
	Reference f Gated access to land on the north side of the existing A66, 250 metres east of the point where the A67 crosses the A66.	The whole access.	Reference 6 New private means of access off the east side of the A67, and running parallel with the improved A66.
	Reference g Gated access to land on the north side of the existing A66, 70 metres to the west of the existing Blacklodge Farm underpass.	The whole access.	Reference 6 To be substituted by a new private means of access from the A67 via private means of access Reference 6 (as above), continuing on the same alignment as new footpath Reference D (above), together with a right of vehicular access over new footpath Reference D, for the benefit of the land

			affected by the stopping up of reference g.
	–	–	Reference 7 New private means of access to land (including an attenuation pond) on the north side of the new A66 via new footpath, Reference D (above), together with a right of vehicular access over new footpath Reference D.
	–	–	Reference 8 New private means of access to land (including an attenuation pond) on the south side of the new A66, from The Street, 105 metres south-west of the existing junction of The Street with the A66.
Scheme 07 – The rights of way and access plans – sheet 3			
In the administrative area of Durham County Council	–	–	Reference 9 New private means of access to land (including an attenuation pond) on the south side of the new A66, 180 metres to the south-west of the existing access to Mid Lowfield Farm from the A66.
	Reference i Access to farmland on the north side of the existing A66, 200 metres to the east of the existing junction of The Street with the A66.	The whole access.	Reference 10 To be substituted by a new private means of access, parallel to the new A66, commencing 30 metres north of an existing access (Reference i) from the north side of the A66), and extending in a generally easterly direction connecting

			to the new East Bowes Accommodation Overbridge (part of Reference E).
	Reference j Access to farmland on south side of existing A66, 200 metres to the east of the existing junction of The Street with the A66.	The whole access.	Reference E (as above).
	Reference k Access to farmland on the north side of the existing A66, 215 metres to the east of the existing junction of The Street with the A66.	The whole access.	To be substituted by Reference 10 (as above).
	Reference m Access to farmland on the north side of the existing A66, 337 metres to the east of the existing junction of The Street with the A66.	The whole access.	To be substituted by Reference 10 (as above).
	Reference n Access to land at Low Broats Farm on the north side of the existing A66, 440 metres to the east of the existing junction of The Street with the A66.	The whole access.	Reference 17 To be substituted by a new private means of access via new highway Reference E, for the benefit of the land affected by the stopping up of Reference n.
	Reference o Access to land including Mid Lowfield Farm on the south side of the existing A66, 440 metres to the east of the existing junction of The Street with the A66.	A length from its existing junction with the A66, for a distance of 30 metres.	Reference 11 To be substituted by a new private means of access via new highway Reference E and new Footpath Reference F (as above), together with a right of vehicular access over new footpath Reference F for the benefit of the land affected by the stopping up of private means of access

			Reference o.
	–	–	Reference 12 New private means of access to land (including an attenuation pond) on the south side of the new A66, 48 metres to the south of the existing access to Mid Lowfield Farm, via new Highway Reference E (as above) and new footpath Reference F (as above), together with a right of vehicular access over new footpath Reference F.
	Reference p Access to land, including High Broats Farm, on the north side of the existing A66, 591 metres to the east of the existing junction of The Street with the A66.	A length from its existing junction with the A66, for a distance of 15 metres.	Reference 13 To be substituted by a new private means of access, 40 metres north of the existing access with the A66, accessed via new highway Reference E (as above) and new footpath Reference G (as above), together with a right of vehicular access over new footpath Reference G, for the benefit of the land affected by the stopping up of private means of access reference p.
	Reference q Access to East Lowfield Farm and land on the south side of the existing A66, 880 metres to the east of the existing junction of The Street with the A66.	A length from its existing junction with the A66, for a distance of 26 metres, including gaps in the central reserve.	Reference 14 To be substituted by a new private means of access, via new highway Reference E (as above) and new footpath Reference F, together with a right of vehicular access over new footpath Reference F for the benefit of the land affected by the stopping up of private

			means of access Reference q.
	–	–	Reference 15 New private means of access to Hulands Quarry from the eastbound carriageway of the A66.
	Reference r Direct access from the A66 to Bowes Cross Farm and other dwellings, on the south side of the A66.	A length from its existing junction with the A66, for a distance of 12 metres, including gaps in the central reserve.	Reference 14 To be substituted by a new private means of access (Reference 14), together with a right of vehicular access over new footpath Reference F (as above) and new highway Reference E (as above), for the benefit of the land affected by the stopping up of private means of access reference r.

SCHEME 08 – CROSS LANES TO ROKEBY

(1) *Area*	*(2)* *Private means of access to be stopped up*	*(3)* *Extent of stopping up*	*(4)* *New private means of access to be substituted/provided*
Scheme 08 – The rights of way and access plans – sheet 1			
In the administrative area of Durham County Council	Reference a Access to land on the south side of the existing A66, approximately 130 metres to the west of the existing junction between the A66 and Rutherford Lane.	A length from its existing junction with the A66, for a distance of 20 metres.	Reference 1 To be substituted by a new private means of access located off the existing Rutherford Lane.
	Reference b Access to land (including North Bitts farm) on the north side of the existing A66, exactly opposite the existing junction between the A66 and Rutherford Lane.	A length from its existing junction with the A66, for a distance of 20 metres.	Reference 2 To be substituted by a new private means of access (Reference 2) located off the eastbound connector road at the new Rokeby Junction, together with a right of vehicular access

			over the new footpath (Reference C).
	–	–	Reference 3 New private means of access off the realigned B6277 Moorhouse Lane (Reference D) to land (including attenuation pond) on the south side of the A66.
	–	–	Reference 4 New private means of access to land (including attenuation pond), located at the northern end of the realigned B6277 Moorhouse Lane (Reference D).
	Reference c	A length from its existing junction with the A66, for a distance of 6 metres.	Reference 5 To be substituted by a new private means of access (Reference 5) from a point on the new side road (Reference G, as above) 35 metres to the south-east of Ivy Cottage.
Scheme 08 – The rights of way and access plans – sheets 1 and 2			
In the administrative area of Durham County Council	Reference d	A length from its existing junction with the A66, for a distance of 6 metres.	Reference 15 To be substituted by a new private means of access (Reference 15), commencing from its junction with the new side road (Reference G) and continuing eastwards towards the access to Street Side Farm, via new cycle track Reference H (as above), together with a right of vehicular access over new cycle track Reference H, for the benefit of the land affected by the stopping up of private means of access Reference d.

	Reference e	A length from its existing junction with the A66, for a distance of 6 metres.	Reference 15 To be substituted by a new private means of access (Reference 15, as above) and including a right of vehicular access over new cycle track Reference H, for the benefit of the land affected by the stopping up of private means of access Reference e.
	Reference f	A length from its existing junction with the A66, for a distance of 6 metres.	Reference 15 To be substituted by a new private means of access (Reference 15, as above) and including a right of vehicular access over new cycle track Reference H, for the benefit of the land affected by the stopping up of private means of access Reference f.
	Reference g	A length from its existing junction with the A66, for a distance of 6 metres.	Reference 15 To be substituted by a new private means of access (Reference 15, as above) and including a right of vehicular access over new cycle track Reference H, for the benefit of the land affected by the stopping up of private means of access Reference g.
	Reference h	A length from its existing junction with the A66, for a distance of 6 metres.	Reference 15 To be substituted by a new private means of access (Reference 15, as above), and including a right of vehicular access over new cycle track Reference H, for the benefit of the land

			affected by the stopping up of private means of access Reference h.
	Reference j Access to land (including Birk House Farm) on the south side of the existing A66, 680 metres to the east of the existing junction between the A66 and the B6277 Moorhouse Lane.	A length from its existing junction with the A66, for a distance of 44 metres.	Reference 6 To be substituted by a new private means of access to be provided from new side road Reference F commencing 62 metres north of Tutta Bridge, running parallel to the south side of the A66.
Scheme 08 – The rights of way and access plans – sheet 2			
In the administrative area of Durham County Council	–	–	Reference 7 New private means of access to land (including attenuation pond) on the south side of the new A66, in part via the new private means of access Reference 6 (as above).
	–	–	Reference 8 New private means of access to land (including attenuation pond) on the north side of the new A66, to the east of Street Side Farm, together with a right of vehicular access over the new cycle track Reference H.
	Reference k Access to land on the north side of the existing A66, 295 metres to the west of the point where Rokeby Footpath 9 meets the existing A66.	A length from its existing junction with the A66, for a distance of 6 metres.	Reference 15 To be substituted by a new private means of access (Reference 15, as above) and including a right of vehicular access over new cycle track Reference H (as above) for the benefit of the land affected by the stopping up of private means of access Reference k.

	Reference p Access to land (including Tutta Beck Cottage), on the south side of the existing A66, located on the south side of the existing A66 opposite the point where Rokeby Footpath 10 meets the existing A66.	A length from its existing junction with the A66, for a distance of 35 metres.	Reference 9 To be substituted by a new private means of access (Reference 9) together with a right of vehicular access over the new cycle track Reference K.
	Reference q Access to land (including Rokeby Grange) on the north side of the existing A66, approximately 980 metres to the west of the existing junction of the A66 with the C165 Barnard Castle Road.	A length from its existing junction with the A66, for a distance of 30 metres.	Reference 10 To be substituted by a new private means of access to the east of the existing access, together with a right of vehicular access over the new cycle track Reference H for a distance of 12 metres from its junction with the new Rokeby Junction (Reference J), for the benefit of the land affected by the stopping up of private means of access Reference q.
Scheme 08 – The rights of way and access plans – sheet 3			
In the administrative area of Durham County Council	–	–	Reference 11 New private means of access to land (including attenuation pond) on the south side of the A66, together with a right of vehicular access over the new cycle track (Reference K).
	Reference r Access to land (including Ewebank Farm) on the south side of the existing A66, 410 metres to the west of the existing junction of the A66 with the C165 Barnard Castle Road.	A length from its existing junction with the A66, for a distance of 80 metres.	Reference 12 To be substituted by a new private means of access located 80 metres to the south of the stopped-up access (Reference m), together with a right of vehicular access over the new cycle

			track (Reference K), for the benefit of the land affected by the stopping up of private means of access Reference r.
	–	–	Reference 13 New private means of access to land (including attenuation pond), together with a right of vehicular access over the new cycle track (Reference K).
	Reference s Access to land (including Tack Room Cottage), directly opposite the existing junction of the A66 with the C165 Barnard Castle Road.	A length from its existing junction with the A66, for a distance of 50 metres.	Reference 14 To be substituted by a new private means of access (Reference 14) located 53 metres south-east of the stopped-up access (Reference s), together with a right of vehicular access over the new cycle track (Reference K), for the benefit of the land affected by the stopping up of private means of access Reference s.

SCHEME 09 – STEPHEN BANK TO CARKIN MOOR

(1) *Area*	*(2)* *Private means of access to be stopped up*	*(3)* *Extent of stopping up*	*(4)* *New private means of access to be substituted/provided*
Scheme 09 – The rights of way and access plans – sheet 1			
In the administrative area of the North Yorkshire Council	Reference a Access to land and premises (Browson Bank Farm) on the south side of the existing A66, 1 km to the north-west of its junction with the existing Dick Scot Lane.	A length from its existing junction with the A66, south-westwards for a distance of 60 metres.	Reference 1 To be substituted by a new private means of access from a point on the new (realigned and de-trunked) A66 located 460 metres to the south-east of the existing access.
	–	–	Reference 2 New private means of

			access to land (including attenuation pond) on the south side of the A66, from a point on the existing Browson Bank access track 182 metres to the south of the existing A66, and continuing southwards for a distance of 173 metres.
Scheme 09 – The rights of way and access plans – sheets 1 and 2			
In the administrative area of Durham County Council and the North Yorkshire Council	Reference b Access to agricultural land on the north side of the A66, opposite the existing junction of the A66 with Dick Scot Lane.	A length from its junction with the existing A66, northwards for a distance of 33 metres.	Reference 3 To be substituted by a new private means of access (including via the new underpass beneath the new A66), together with a right of vehicular access over the new bridleway (reference A) for the benefit of the land affected by the stopping up of private means of access Reference b.
Scheme 09 – The rights of way and access plans – sheets 2 and 3			
In the administrative area of the North Yorkshire Council	Reference c Access to agricultural land on the south side of the existing A66, 260 metres to the east of the existing junction of the A66 with Dick Scot Lane.	The whole access.	Reference 4 To be substituted by a new private means of access in the same location as stopped up access reference c, but repositioned at the boundary of the de-trunked A66 Reference B.
	Reference d Access to land and premises (Old Dunsa Bank) on the south side of the existing A66, 480 metres to the north-west of the existing junction of the A66 with Collier Lane.	A length from its existing junction with the A66, southwards for a distance of 40 metres.	Reference 5 To be substituted by a new private means of access in the same location as stopped up access reference d, but repositioned at the boundary of the de-trunked A66 Reference B.
	–	–	Reference 6 A new private means of access to land

Commented [PM16]: The amendment to Reference 6 is related to **Proposed Change 1 - Collier Lane**.

			(including attenuation pond), on the south side of the de-trunked A66, located ~~80~~60 metres to the south of the existing junction of the de-trunked A66 with Waitlands Lane.
	–	–	Reference 7 A new private means of access to agricultural land on the north side of the existing A66, and being located 155 metres to the east of the existing junction of the A66 with Collier Lane.
Scheme 09 – The rights of way and access plans – sheet 3			
In the administrative area of the North Yorkshire Council	–	–	Reference 8 A new private means of access to agricultural land on the north side of the existing A66, located 400 metres to the south-east of the existing junction of the A66 with Collier Lane.
	–	–	Reference 9 A new private means of access to agricultural land on the north side of the existing A66, located 585 metres to the south-east of the existing junction of the A66 with Collier Lane.
	–	–	Reference 10 New private means of access to land (including attenuation pond) on the north side of the existing A66, 550 metres to the north-west of the existing junction of the A66 with Moor

			Lane.
	–	–	Reference 11 A new private means of access to agricultural land on the north side of the existing A66, located 440 metres to the north-east of the existing junction of the A66 with Moor Lane.
	–	–	Reference 12 New private means of access to land (including attenuation pond) on the south side of the existing A66, 340 metres to the north-west of the existing junction of the A66 with Moor Lane, together with a right of vehicular access over the new bridleway (reference G).
	–	–	Reference 13 New private means of access to land (including attenuation pond) on the north side of the de-trunked A66, 90 metres to the east of the existing junction of the A66 with Moor Lane.
	–	–	Reference 14 New private means of access to agricultural land on the north side of the existing A66, 255 metres to the east of the existing junction of the A66 with Moor Lane.
Scheme 09 – The rights of way and access plans – sheet 4			
In the administrative area of the North Yorkshire Council	–	–	Reference 15 New private means of access to land (including attenuation

			pond) on the north side of the new side road Reference L, 300 metres to the south-west of the existing junction of the A66 with Warrener Lane.
	–	–	Reference 16 New private means of access to land (including attenuation pond) on the north side of the new side road Reference L, 160 metres to the south-west of the existing junction of the A66 with Warrener Lane.
	–	–	Reference 17 New private means of access to land on the south side of the new A66, together with a right of vehicular access over new bridleway reference M and new bridleway reference N.

PART 4

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

SCHEME 03 – PENRITH TO TEMPLE SOWERBY

(1) *Area*	*(2)* *Private means of access to be stopped up*	*(3)* *Extent of stopping up*
Scheme 03 – The rights of way and access plans – sheet 1		
In the administrative area of Westmorland and Furness Council	Reference b Access between two fields 305 metres east of the existing junction of the A66 with the B6262.	The whole access.
	Reference e Access to a field from the south side of the existing A66, 450 metres east of the existing junction of the A66 with the B6262.	The whole access.
	Reference j Access to a garden at Lightwater Cottages. (No longer required due to demolition).	The whole access.

SCHEME 0405 – TEMPLE SOWERBY TO APPLEBY

(1) *Area*	*(2)* *Private means of access to be stopped up*	*(3)* *Extent of stopping up*
Scheme 0405 – The rights of way and access plans – sheets 1 and 2		
In the parish of Kirkby Thore; in the administrative area of Westmorland and Furness Council	Reference c Access to field on the north side of the existing A66, from a point 50 metres to the east of the existing Priest Lane Underpass (shown on sheet 1 of the rights of way and access plans for scheme 0405).	The whole access.
	Reference g Access to field from the north side of existing Priest Lane from a point 110 metres south-east of the junction between Bridleway 336/007 and existing Priest Lane (shown on	The whole access.

	sheets 1 and 2 of the rights of way and access plans for scheme 0405).	
	Reference f Access to field from the south side of existing Priest Lane from a point 115 metres south-east of the junction between Bridleway 336/007 and existing Priest Lane (shown on sheets 1 and 2 of the rights of way and access plans for scheme 0405).	The whole access.
	Reference h Access to field from the south side of existing Priest Lane from a point 180 metres south-east of the junction between Bridleway 336/007 and existing Priest Lane (shown on sheets 1 and 2 of the rights of way and access plans for scheme 0405).	The whole access.
	Reference j Access to field from the south side of existing Priest Lane from a point 285 metres south-east of the junction between Bridleway 336/007 and existing Priest Lane (shown on sheet 2 of the rights of way and access plans for scheme 0405).	The whole access.
	Reference m Access to field from the west side of the existing Cross Street from a point 340 metres north-west of the junction between the existing Priest Lane and Cross Street (shown on sheet 2 of the rights of way and access plans for scheme 0405).	The whole access.
	Reference n Access to field from the east side of existing Cross Street from a point 225 metres north-west of the junction between existing Priest Lane and Cross Street (shown on sheet 2 of the rights of way and access plans	The whole access.

	for scheme 0405).	
	Reference o Access to field from the west side of existing Cross Street from a point 225 metres north-west of the junction between existing Priest Lane and Cross Street (shown on sheet 2 of the rights of way and access plans for scheme 0405).	The whole access.
Scheme 0405 – The rights of way and access plans – sheet 3		
In the parish of Kirkby Thore; in the administrative area of Westmorland and Furness Council	Reference u Access to Winthorn from the south side of existing Main Street at a point 330 metres north-east of the junction between existing Main Street and existing Fell Lane (shown on sheet 3 of the rights of way and access plans for scheme 0405).	The whole access.
	Reference v Access to field from the north side of existing Main Street at a point 370 metres north-east of the junction between existing Main Street and existing Fell Lane (shown on sheet 3 of the rights of way and access plans for scheme 0405).	The whole access.
	Reference w Access to Winthorn from south side of existing Main Street at a point 375 metres north-east of the junction between existing Main Street and existing Fell Lane (shown on sheet 3 of the rights of way and access plans for scheme 0405).	The whole access.
	Reference ab (Not Used)	–
	Reference ac Access to field from the south side of existing Sleastonhow Lane from a point 580 metres south-east of the junction between existing Main Street and existing Sleastonhow Lane	The whole access.

	(shown on sheet 4 of the rights of way and access plans for scheme 0405).	
	Reference ad Access to field from the north side of realigned Sleastonhow Lane from a point 880 metres south-east of the junction between existing Main Street and existing Sleastonhow Lane (shown on sheet 4 of the rights of way and access plans for scheme 0405).	The whole access.
	Reference ag Access to field from the west side of the existing Farm Track from a point 320 metres north-east of the junction between an existing farm track and the existing A66 (shown on sheet 4 of the rights of way and access plans for scheme 0405).	The whole access.
	Reference af Access to field from the west side of the existing Farm Track from a point 105 metres north-east of the junction between existing Farm Track and the existing A66 (shown on sheet 4 of the rights of way and access plans for scheme 0405).	The whole access.
Scheme 0405 – The rights of way and access plans – sheet 5		
In the parish of Crackenthorpe; in the administrative area of Westmorland and Furness Council	Reference aj Access to field from the west side of the existing Long Marton Road from a point 180 metres north-east of its junction with the existing A66 (shown on sheet 5 of the rights of way and access plans for scheme 0405).	The whole access.
	Reference ak Access to field from the west side of the existing Long Marton Road from a point 210 metres north-east of its junction with the existing A66 (shown on sheet 5 of the rights of way and access plans for	The whole access.

	scheme 0405).	
	Reference al Access to fields on the south side of the existing Roman Road from a point 188 metres north-east of the junction of the existing A66 and the existing Long Marton (Road) (shown on sheet 5 of the rights of way and access plans for scheme 0405).	A length from its junction with the existing Long Marton (Road) in a generally south-easterly direction for a distance of 750 metres
	Reference an Access to field north of the existing A66 from a point 340 metres east of its junction with the existing Long Marton Road (shown on sheet 5 of the rights of way and access plans for scheme 0405).	The whole access.
	Reference am Access to field north of the existing A66 from a point 341 metres east of its junction with the existing Long Marton Road (shown on sheet 5 of the rights of way and access plans for scheme 0405).	The whole access.
	Reference ap Access to field on the south side of the existing Bridleway 341/001 from a point 655 metres north-east of the junction of the existing A66 with the existing Long Marton Road (shown on sheet 5 of the rights of way and access plans for scheme 0405).	The whole access.
	Reference aq Access to field on the south side of the existing Long Marton Road from a point 910 metres north-east of the junction of the existing A66 with the existing Long Marton Road (shown on sheet 5 of the rights of way and access plans for scheme 0405).	The whole access.
	Reference ao Access to field on the south side of the existing Bridleway	The whole access.

	341/001 from a point 535 metres north-east of the junction of the existing A66 with the existing Long Marton Road (shown on sheet 5 of the rights of way and access plans for scheme 0405).	
	Reference bb Access to field from the north side of Bridleway 341/001 from a point 245 metres east of its junction with the existing Long Marton Road (shown on sheet 5 of the rights of way and access plans for scheme 0405).	The whole access.
Scheme 0405 – The rights of way and access plans – sheet 7		
In the parish of Appleby-in-Westmorland; in the administrative area of Westmorland and Furness Council	Reference av Access to fields between Bridleway 341/001 and the existing A66 at a point 260 metres south-west of the intersection of Bridleway 341/001 and the existing railway line (shown on sheet 7 of the rights of way and access plans for scheme 0405).	The whole access.
	Reference aw Access to fields between Bridleway 341/001 and the existing A66 at a point 260 metres south-west of the intersection of Bridleway 341/001 and the existing railway line (shown on sheet 7 of the rights of way and access plans for scheme 0405).	The whole access.
	Reference ax Access to field north of the existing A66 at a point 290 metres to the south of the intersection of Bridleway 341/001 and the existing railway line (shown on sheet 7 of the rights of way and access plans for scheme 0405).	The whole access.
	Reference az Access to field south of the existing B6542 at a point 610 metres south-east of the junction of the existing A66	The whole access.

	and B6542 (shown on sheet 7 of the rights of way and access plans for scheme 0405).	
	Reference ba Access to field on the south side of the existing B6542 at a point 655 metres south-east of the junction of the existing B6542 and the existing A66 (as shown on sheet 7 of the rights of way and access plans for scheme 0405).	The whole access.

SCHEME 06 – APPLEBY TO BROUGH

(1) *Area*	*(2)* *Private means of access to be stopped up*	*(3)* *Extent of stopping up*
Scheme 06 – The rights of way and access plans – sheet 2		
In the administrative area of Westmorland and Furness Council, and Parish of Warcop	Reference o Access to land on the south side of the existing A66, from a point 35 metres south of its junction with the existing B6259.	The whole access.
	Reference q Access to land on the south side of the existing A66, from a point 270 metres south-west of its junction with the existing B6259.	The whole access.
	Reference r Access to land on the north side of the existing A66, from a point 280 metres south-west of its junction with the existing B6259.	The whole access.
Scheme 06 – The rights of way and access plans – sheet 4		
In the administrative area of Westmorland and Furness Council, and Parish of Warcop	Reference x Access to land on the south side of the existing A66, from a point 210 metres south-east of the junction of Warcop Road with the existing A66.	The whole access.
	Reference z Access to land on the south side of the existing A66, from a point 332 metres south-east of its junction with Warcop Road.	The whole access.

	Reference zf Access to land on the south side of the existing A66, from a point 233 metres south-east of its junction with Station Road.	The whole access.
	Reference zg Access to land on the south side of the existing A66, from a point 494 metres south-east of its junction with Station Road.	The whole access.
Scheme 06 – The rights of way and access plans – sheet 5		
In the administrative area of Westmorland and Furness Council, and Parish of Warcop	Reference zh Access to land on the south-east side of the existing Flitholme Road, from a point 182 metres south-west of its junction with the existing A66.	The whole access.
	Reference zi Access to land on the south side of the existing A66, from a point 7 metres east of its junction with the existing Flitholme Road.	The whole access.
	Reference zj Access to land on the south-east side of the existing Flitholme Road, from a point 56 metres south of its junction with the existing A66.	The whole access.
In the administrative area of Westmorland and Furness Council, and Parish of Musgrave	Reference zk Access to land on south side of the existing A66, from a point 211 metres east of its junction with the existing Flitholme Road.	The whole access.
	Reference zl Access to land on the east side of the existing Musgrave Lane, from a point 50 metres south of its junction with existing A66.	The whole access.
Scheme 06 – The rights of way and access plans – sheet 6		
In the administrative area of Westmorland and Furness Council, and Parish of Musgrave	Reference zn Access to land on the south side of the existing A66, from	The whole access.

	a point 1 km east of its junction with the Musgrave Lane Overbridge.	
	Reference zo Access to land on the south side of the existing A66, from a point 1 km east of its junction with the Musgrave Lane Overbridge.	The whole access.

SCHEME 07 – BOWES BYPASS

(1) *Area*	*(2)* *Private means of access to be stopped up*	*(3)* *Extent of stopping up*
Scheme 07 – The rights of way and access plans – sheet 2		
In the administrative area of Durham County Council	Reference c Access via land on the north side of the existing A66, to other land on the north side of the A66, via existing underpass (also to be stopped up) beneath the existing A66 at Bowes Junction.	The whole access.
	Reference d Extension of Reference c: Access to land on the south side of the existing A66, via the unnamed side road, on the south side of the A66, adjacent to Bowes Hall Farm Underpass.	The whole access.
	Reference e Access to land on the south side of the existing A66, via the unnamed side road, on the south side of the A66.	The whole access.
	Reference h Gated access from the south side of the existing A66, 70 metres to the west of the existing Blacklodge Farm underpass, to land on the south side of the A66.	The whole access.

SCHEME 08 – CROSS LANES TO ROKEBY

(1) *Area*	*(2)* *Private means of access to be stopped up*	*(3)* *Extent of stopping up*
Scheme 08 – The rights of way and access plans – sheet 2		

In the administrative area of Durham County Council	Reference m Access to land on the south side of the existing A66, 285 metres to the west of the point where Rokeby Footpath 9 meets the existing A66.	The whole access.
	Reference n Access to land on the south side of the existing A66, 30 metres southeast of the point where Rokeby Footpath 9 meets the existing A66.	The whole access.

SCHEME 09 – STEPHEN BANK TO CARKIN MOOR

(1) *Area*	*(2)* *Private means of access to be stopped up*	*(3)* *Extent of stopping up*
Scheme 09 – The rights of way and access plans – sheet 2		
In the administrative area of the North Yorkshire Council	Reference e Access to agricultural land on the south side of the existing A66, 335 metres to the north-west of the existing junction of the A66 with Collier Lane.	The whole access.

SCHEDULE 3

Article 17

TREES SUBJECT TO TREE PRESERVATION ORDERS

(1) *Tree preservation order and tree group reference*	*(2)* *Tree preservation order trees location plans and sheet number reference*	*(3)* *Type of tree or group of trees*	*(4)* *Works to be carried out*
SCHEME 0102 – M6 JUNCTION 40 TO KEMPLAY BANK			
Westmorland and Furness Council T3/CC6-T22	Sheet 1 of the tree preservation order trees location plan for scheme 0102	Ash tree in a line of trees along the Cumbria County Council Skirsgill Depot Road towards the health and care services building.	Crown lift branches overhanging land within Order limits.
Westmorland and Furness Council T3/CC6-T23	Sheet 1 of the tree preservation order trees location plan for scheme 0102	Elm tree in a line of trees along the Cumbria County Council Skirsgill Depot Road towards the health and care services building.	Crown lift branches overhanging land within Order limits.
Westmorland and Furness Council T3/CC6-T24	Sheet 1 of the tree preservation order trees location plan for scheme 0102	Sycamore tree in a line of trees along the Cumbria County Council Skirsgill Depot Road towards the health and care services building.	Crown lift branches overhanging land within Order limits.
Westmorland and Furness Council T3/CC6-T25	Sheet 1 of the tree preservation order trees location plan for scheme 0102	Sycamore tree in a line of trees along the Cumbria County Council Skirsgill Depot Road towards the health and care services building.	Crown lift branches overhanging land within Order limits.
Westmorland and Furness Council T3/CC6-T26	Sheet 1 of the tree preservation order trees location plan for scheme 0102	Sycamore tree in a line of trees along the Cumbria County Council Skirsgill Depot Road towards the health and care services building.	Removal.
Westmorland and Furness Council TPO111-G1	Sheet 2 of the tree preservation order trees location plan for scheme 0102	Group of five lime and one sycamore, standing on the A66 frontage on the south side of the roundabout.	Removal.
Westmorland and	Sheet 2 of the tree	Mixed broadleaved	Removal of SW corner

Furness Council TPO206-W1	preservation order trees location plan for scheme 0102	and coniferous woodland on sloping ground between A686 Carleton Avenue and A66.	within Order limits. Crown lift branches of remaining trees overhanging land within Order limits.
Westmorland and Furness Council TPO206-W2	Sheet 2 of the tree preservation order trees location plan for scheme 0102	Mixed broadleaved woodland on sloping ground between field and A66 directly south of Carleton Hall Farm.	Crown lift branches overhanging land within Order limits.
Westmorland and Furness Council TPO206-W3	Sheet 2 of the tree preservation order trees location plan for scheme 0102	Mixed broadleaved and coniferous woodland on sloping ground between W2 and W4 within land managed as part of A66.	Crown lift branches overhanging land within Order limits.
Westmorland and Furness Council TPO206-W4	Sheet 2 of the tree preservation order trees location plan for scheme 0102	Mixed broadleaved woodland on sloping ground between Carleton Road (east) and A66 directly south of Carleton Brow.	Crown lift branches overhanging land within Order limits.
SCHEME 06 – APPLEBY TO BROUGH			
Westmorland and Furness Council TPO155-W1	Sheet 1 of the tree preservation order trees location plan for scheme 06	Narrow woodland between Crooks Beck and Castlehill Road to the east of the war memorial in Warcop.	Crown lift branches overhanging land within Order limits.
SCHEME 09 – STEPHEN BANK TO CARKIN MOOR			
The North Yorkshire Council 1984/03/TPO	Sheet 1 of the tree preservation order trees location plan for scheme 09	Mixed broadleaved and coniferous woodland situated within the grounds of West Layton Manor.	Crown lift branches overhanging land within Order limits.

SCHEDULE 4

Article 22

LAND IN WHICH ONLY NEW RIGHTS ETC., MAY BE ACQUIRED

(1) *Area*	*(2)* *Plot Reference Number(s) shown on land plans*	*(3)* *Purpose(s) for which new rights may be acquired or restrictive covenants may be imposed*
SCHEME 0102 – M6 J40 TO KEMPLAY BANK		
Scheme 0102 – The land plans – sheet 1		
–	None	–
Scheme 0102 – The land plans – sheet 2		
In the administrative area of Westmorland and Furness Council	0102-02-106	Acquisition of new rights (including the imposition of restrictive covenants) for the purpose of erecting, accessing and maintaining mammal fencing, adjacent to the A66, to mitigate the environmental impacts of the scheme.
	0102-02-54 0102-02-57 0102-02-58 0102-02-68 0102-02-70 0102-02-72 0102-02-73	Acquisition of new rights (including the imposition of restrictive covenants) to plant, access and maintain woodland habitat to mitigate the environmental impacts of the scheme.
	–	–

SCHEDULE 5

Article 22

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

Compensation enactments

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

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

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

"**5A.** If—

(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 (as modified by paragraph 5(5) of Schedule 5 to the A66 Northern Trans-Pennine Development Consent Order 2024 (the "2024 Order"));

(b) the acquiring authority is subsequently required by a determination under paragraph 12 of Schedule 2A (counter notice requiring purchase of land not in notice to treat) to the 1965 Act (as substituted by paragraph 5(8) of Schedule 5 to the 2024 Order) 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.".

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

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

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

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

Application of Part 1 of the 1965 Act

4. Part 1 (compulsory purchase under Acquisition of Land Act 1946) of the 1965 Act, as applied by section 125 (application of compulsory acquisition provisions) of the 2008 Act (and modified by article 25 (modification of Part 1 of the 1965 Act)) to the acquisition of land under article 19 (compulsory acquisition of land), applies to the compulsory acquisition of a right by the creation

(**a**) Section 5A was inserted by section 103(2) of the Planning and Compulsory Purchase Act 2004 (c. 5) and amended by section 199(2) of, and paragraph 4 of Schedule 17 to, the Housing and Planning Act 2016 (c. 22). There are other amendments to section 5A which are not relevant to this Order.

(**b**) 1973 c. 26.

of a new right, or to the imposition of a restrictive covenant under article 22(1) (compulsory acquisition of rights and restrictive covenants)—

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

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

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

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

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

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

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

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

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

(a) section 9(4) (failure by owners to convey);

(b) paragraph 10(3) of Schedule 1 (owners under incapacity);

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

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

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

(5) Section 11(**a**) (powers of entry) of the 1965 Act is modified to secure that, where the acquiring authority has served notice to treat in respect of any right or restricted covenant, as well as the notice of entry required by subsection (1) of that section (as it applies to a compulsory acquisition under article 19 (compulsory acquisition of land)), it has power, exercisable in equivalent circumstances and subject to equivalent conditions, to enter for the purpose of exercising that right or enforcing that restrictive covenant; and sections 11A(**b**) (powers of entry: further notices of entry), 11B(**c**) (counter-notice requiring possession to be taken on specified date), 12(**d**) (unauthorised entry) and 13(**e**) (refusal to give possession to acquiring authority) of the 1965 Act are modified correspondingly.

(6) Section 20(**f**) (tenants at will, etc.) of the 1965 Act applies with the modifications necessary to secure that persons with such interests in land as are mentioned in that section are compensated

(**a**) Section 11 was amended by section 34(1) of, and Schedule 4 to, the Acquisition of Land Act 1981 (c. 67), section 3 of, and Part 1 of Schedule 1 to, the Housing (Consequential Provisions) Act 1985 (c. 71), section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), sections 186(2), 187(2) and 188 of, and paragraph 6 of Schedule 14 and paragraph 3 of Schedule 16 to, the Housing and Planning Act 2016 (c. 22) and S.I. 2009/1307.

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

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

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

(**e**) Section 13 was amended by sections 62(3), 139(4) to (9) and 146 of, and paragraphs 27 and 28 of Schedule 13 and Part 3 of Schedule 23 to, the Tribunals, Courts and Enforcement Act 2007 (c. 15).

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

in a manner corresponding to that in which they would be compensated on a compulsory acquisition under this Order of that land, but taking into account only the extent (if any) of such interference with such an interest as is actually caused, or likely to be caused, by the exercise of the right or the enforcement of the restrictive covenant in question.

(7) Section 22 (interests omitted from purchase) of the 1965 Act as modified by article 25(4) (modification of Part 1 of the 1965 Act) is also modified so as to enable the acquiring authority, in circumstances corresponding to those referred to in that section, to continue to be entitled to exercise the right acquired or enforce the restrictive covenant imposed, subject to compliance with that section as respects compensation.

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

"SCHEDULE 2A

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

Introduction

1.—(1) This Schedule applies where an acquiring authority serve a notice to treat in respect of a right over, or restrictive covenant affecting, the whole or part of a house, building or factory and have not executed a general vesting declaration under section 4 of the 1981 Act as applied by article 26 (application of the 1981 Act) of the A66 Northern Trans-Pennine Development Consent Order 2024 in respect of the land to which the notice to treat relates.

(2) But see article 27(3) (acquisition of subsoil, etc., only) of the A66 Northern Trans-Pennine Development Consent Order 2024 which excludes the acquisition of subsoil or airspace only from this Schedule.

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

Counter-notice requiring purchase of land

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

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

Response to counter-notice

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

(a) withdraw the notice to treat,

(b) accept the counter-notice, or

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

6. The 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 decide to refer the counter-notice to the Upper Tribunal they must do so within the decision period.

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

9. If the 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 restrictive covenant,

(b) the use to be made of the right or restrictive covenant proposed to be acquired or imposed, and

(c) if the right or restrictive 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 restrictive 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 they 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 6

Article 29

LAND OF WHICH ONLY TEMPORARY POSSESSION MAY BE TAKEN

(1) *Area*	*(2)* *Plot Reference Number(s) shown on land plans*	*(3)* *Purpose for which temporary possession may be taken*	*(4)* *Relevant part of the authorised development*
SCHEME 0102 – M6 J40 TO KEMPLAY BANK			
Scheme 0102 – The land plans – sheet 1			
In the administrative area of Westmorland and Furness Council	0102-01-01	Required for the provision of working space and to facilitate the construction of additional carriageway and improvements to the existing A66 on the western approach to M6 Junction 40 and the provision of landscaping and reprofiling.	Work No. 0102-1A
	0102-01-08	Required for the provision of working space and to facilitate the construction of additional carriageway and improvements to the existing A66 on the western approach to M6 Junction 40 and the provision of new private means of access, landscaping and reprofiling.	Work No. 0102-1A
	0102-01-33	Required for the provision of working space and to facilitate the construction of additional carriageway and improvements to sections of the existing A66 and the provision of landscaping and reprofiling.	Work No. 0102-1C
	0102-01-46	Required for the provision of working space and to facilitate the improvement of the existing M6 southbound merge slip road, the construction of an additional auxiliary lane at the M6 Junction 40 and the provision of construction compound and storage area.	Work No. 0102-5
Scheme 0102 – The land plans – sheet 2			
In the administrative area of Westmorland and Furness Council	0102-02-21 0102-02-55	Required for the provision of working space and to facilitate the construction of additional carriageway and improvements to sections of the existing A66 and the provision of landscaping and reprofiling.	Work No. 0102-1D
	0102-02-35	Required for the provision of working space and to facilitate the	Work Nos. 0102-1D and

		construction of additional carriageway and improvements to sections of the existing A686 and its tie-in to the new Kemplay Bank Junction and the provision of environmental mitigation, landscaping and reprofiling.	0102-8
	0102-02-49	Required for the provision of working space and to facilitate the improvement of the existing Kemplay Bank Roundabout, to comprise a new grade-separated Junction ("the new Kemplay Bank Junction"), and the construction of additional carriageway and improvements to sections of the existing A6 and the provision of environmental mitigation, landscaping and reprofiling.	Work Nos. 0102-1D; 0102-7B; and 0102-7C
	0102-02-51	Required for the provision of working space and to facilitate the improvement of the existing Kemplay Bank Roundabout, to comprise a new grade-separated Junction ("the new Kemplay Bank Junction"), and the construction of additional carriageway and improvements to sections of the existing A6.	Work Nos. 0102-1D; 0102-7B; and 0102-7C
	0102-02-59 0102-02-63 0102-02-65 0102-02-82 0102-02-86	Required for the provision of working space and to facilitate the construction of additional carriageway and improvements to sections of the existing A66.	Work Nos. 0102-1D; 0102-7B; and 0102-7C
	0102-02-64 0102-02-69	Required for the provision of working space and to facilitate the construction of additional carriageway and improvements to sections of the existing A66 and the provision of landscaping and reprofiling, construction of surface water drainage infrastructure.	Work Nos. 0102-1D; 0102-7B and 0102-7C
SCHEME 03 – PENRITH TO TEMPLE SOWERBY			
Scheme 03 – The land plans – sheet 1			
In the administrative area of Westmorland and Furness Council	03-01-30	Required for the provision of working space and to facilitate the construction of a new footpath connecting to the site of the countess pillar on the south side of the improved A66 and the provision of landscaping and reprofiling.	Work Nos. 03-9A and 03-9B

	03-01-70	Required for the provision of working space and to facilitate the construction of a new all-purpose dual carriageway ("the new A66") and of improvements to the existing A66 ("the improved A66") between Penrith and Temple Sowerby and related works and the provision of landscaping and reprofiling, construction of surface water drainage infrastructure.	Work No. 03-1B
Scheme 03 – The land plans – sheet 3			
In the administrative area of Westmorland and Furness Council	03-03-09	Required for the provision of working space and to facilitate part of the new "Junction at Center Parcs", to include the improvement of the existing junction on the westbound carriageway of the improved A66, the construction of a new road to connect between the westbound carriageway of the improved A66, the new connector road and an existing private means of access to "Center Parcs" and the provision of landscaping and reprofiling.	Work No. 03-4B
	03-03-21	Required for the provision of working space and to facilitate the construction of a new all-purpose dual carriageway ("the new A66") and of improvements to the existing A66 ("the improved A66") between Penrith and Temple Sowerby and related works and part of the new "Junction at Center Parcs", to include the improvement of the existing junction on the westbound carriageway of the improved A66, the construction of a new road to connect between the westbound carriageway of the improved A66, the new connector road and an existing private means of access to "Center Parcs" and the provision of landscaping and reprofiling.	Work Nos. 03-1B, and 03-4B
SCHEME 0405 – TEMPLE SOWERBY TO APPLEBY			
Scheme 0405 – The land plans – sheet 1			
In the administrative area of Westmorland and Furness Council	0405-01-20	Required for the provision of working space and to facilitate the improvement of the existing slip road and Morland Road including new roundabout and the provision of landscaping and reprofiling.	Work No. 0405-3B
	0405-01-22	Required for the provision of working space and to facilitate the improvement of the existing slip	Work No. 0405-3B

		road and Morland Road including new roundabout and the provision of environmental mitigation, landscaping and reprofiling.	
	0405-01-26	Required for the provision of working space and to facilitate the improvement of the existing slip road and Morland Road including new roundabout and the provision of environmental mitigation, landscaping and reprofiling, construction compound and storage area.	Work No. 0405-3B
	0405-01-68	Required for the provision of working space and to facilitate the construction of a new local road between Temple Sowerby and Low Moor Caravan Park, cycle track and private means of access and the provision of environmental mitigation, landscaping and reprofiling, haul route.	Work No. 0405-4A
	0405-01-114	Required for the provision of working space and to facilitate the construction of the new A66 eastbound and improvements to sections of the existing A66 eastbound and de-trunking and reclassification of the existing A66, the construction of a new compact grade separated junction, re-alignment of Fell Lane and construction of an overbridge, and provision of public rights of way and private means of access and the provision of landscaping and reprofiling, haul route.	Work No. 0405-1A
	0405-01-132	Required for the provision of working space and to facilitate the construction of the new A66 eastbound and improvements to sections of the existing A66 eastbound and de-trunking and reclassification of the existing A66, the construction of a new compact grade separated junction, re-alignment of Fell Lane and construction of an overbridge, and provision of public rights of way and private means of access and the provision of landscaping and reprofiling.	Work No. 0405-1A
Scheme 0405 – The land plans – sheet 2			
In the administrative area of Westmorland and Furness Council	0405-02-31 0405-02-34	Required for the provision of working space and to facilitate the improvement of the existing A66,	Work No. 0405-4B

		once de-trunked and the provision of non-motorised users' facilities, landscaping and reprofiling.	
	0405-02-36	Required for the provision of working space and to facilitate the improvement of the existing A66, once de-trunked and the provision of non-motorised users' facilities, landscaping and reprofiling, construction compound and storage area.	Work No. 0405-4B
	0405-02-39 0405-02-45 0405-02-49	Required for the provision of working space and to facilitate the improvement of the existing A66, once de-trunked and the provision of non-motorised users' facilities, landscaping and reprofiling, permanent diversion of third party apparatus.	Work No. 0405-4B
Scheme 0405 – The land plans – sheet 3			
In the administrative area of Westmorland and Furness Council	0405-03-01	Required for the provision of working space and to facilitate the construction of a length of new footpath, between the realigned Cross Street on the south side of the new A66, and the realigned Fell Lane on the north side of the new A66; the provision of new private means of access; and works to effect the stopping up of a length of existing Footpath 336/017 and of existing private means of access.	Work No. 0405-9
	0405-03-05 0405-03-06 0405-03-07	Required for the provision of working space and to facilitate the construction of a length of new footpath, between the re-aligned Cross Street on the south side of the new A66, and the realigned Fell Lane on the north side of the new A66; the provision of new private means of access; and works to effect the stopping up of a length of existing Footpath 336/017 and of existing private means of access and the provision of landscaping and reprofiling.	Work No. 0405-9
	0405-03-68	Required for the provision of working space and to facilitate the improvement and re-alignment of the existing Sleastonhow Lane, the stopping up of part of the existing Sleastonhow Lane and the construction of new private means of access.	Work No. 0405-13
	0405-03-70 0405-03-77	Required for the provision of working space and to facilitate the	Work No. 0405-13

	0405-03-78	improvement and re-alignment of the existing Sleastonhow Lane, the stopping up of part of the existing Sleastonhow Lane and the construction of new private means of access and the provision of landscaping and reprofiling.	
	0405-03-82	Required for the provision of working space and to facilitate the realignment and improvements to the existing Fell Lane, works to effect the stopping up of existing private means of access and the construction of a new and replacement private means of access and the construction of a length of new footpath, between the re-aligned Cross Street on the south side of the new A66, and the realigned Fell Lane on the north side of the new A66; the provision of new private means of access; and works to effect the stopping up of a length of existing Footpath 336/017 and of existing private means of access and the provision of landscaping and reprofiling.	Work No. 0405-11A, Work No. 0405-9
	0405-03-85	Required for the provision of working space and to facilitate the construction of a new road connecting the realigned Fell Lane with the realigned Main Street, new private means of access and works to effect the stopping up of a length of the existing Main Street and the provision of landscaping and reprofiling, construction compound and storage area.	Work No. 0405-12
	0405-03-92 0405-03-98 0405-03-100	Required for the provision of working space and to facilitate the construction of a new road connecting the realigned Fell Lane with the realigned Main Street, new private means of access and works to effect the stopping up of a length of the existing Main Street and the provision of landscaping and reprofiling.	Work No. 0405-12
Scheme 0405 – The land plans – sheet 4			
In the administrative area of Westmorland and Furness Council	0405-04-28	Required for the provision of working space and to facilitate the improvement and re-alignment of the existing Sleastonhow Lane, the stopping up of part of the existing Sleastonhow Lane and the construction of new private means of access and the provision of	Work No. 0405-13

		landscaping and reprofiling.	
	0405-04-54	Required for the provision of working space and to facilitate the improvement of the existing A66, once de-trunked and the provision of landscaping and reprofiling.	Work No. 0405-4B
Scheme 0405 – The land plans – sheet 5			
In the administrative area of Westmorland and Furness Council	0405-05-17	Required for the provision of working space and to facilitate the improvement of a length of the existing A66 (to be de-trunked) to the south-west of Powis House and the construction of a new cycleway alongside the carriageway the existing A66 and the provision of landscaping and reprofiling, construction compound and storage area.	Work No. 0405-18
	0405-05-43 0405-05-46	Required for the provision of working space and to facilitate the construction of the new A66 westbound and improvements to sections of the existing A66 westbound, including a compact grade separated junction, stopping up and re-provisions of public rights of way and the provision of landscaping and reprofiling.	Work No. 0405-2B
	0405-05-51	Required for the provision of working space and to facilitate the construction of the new A66 eastbound and improvements to sections of the existing A66 eastbound and works related to the construction of a new compact grade separated junction, de-trunking and reclassification of the existing A66, provision of public rights of way (including overbridge) and new and replacement private means of access and the construction of the new A66 westbound and improvements to sections of the existing A66 westbound, including a compact grade separated junction, stopping up and re-provisions of public rights of way and the construction of the realigned Long Marton and the provision of landscaping and reprofiling, construction compound and storage area.	Work No. 0405-1B, Work No. 0405-2B, Work No. 0405-16
	0405-05-66	Required for the provision of working space and to facilitate the construction of the new A66	Work No. 0405-2B

		westbound and improvements to sections of the existing A66 westbound, including a compact grade separated junction, stopping up and re-provisions of public rights of way and the provision of landscaping and reprofiling, permanent diversion of third party apparatus.	
	0405-05-76	Required for the provision of working space and to facilitate the construction of the realigned Long Marton. The construction of a new connector road connecting the new A66 eastbound carriageway with the realigned Long Marton and a new private means of access adjacent to the Long Marton eastbound compact connector road and the provision of landscaping and reprofiling, construction compound and storage area.	Work No. 0405-16, Work No. 0405-17A
	0405-05-81	Required for the provision of working space and to facilitate the construction of a new connector road connecting the new A66 eastbound carriageway with the realigned Long Marton and a new private means of access adjacent to the Long Marton eastbound compact connector road and the provision of landscaping and reprofiling.	Work No. 0405-17A
	0405-05-82	Required for the provision of working space and to facilitate the construction of a new connector road connecting the new A66 eastbound carriageway with the realigned Long Marton and a new private means of access adjacent to the Long Marton eastbound compact connector road and the provision of environmental mitigation, landscaping and reprofiling, construction compound and storage area.	Work No. 0405-17A
	0405-05-93	Required for the provision of working space and to facilitate the construction of the new A66 eastbound and improvements to sections of the existing A66 eastbound and de-trunking and reclassification of the existing A66, the construction of a new compact grade separated junction, re-alignment of Fell Lane and construction of an overbridge, and	Work No. 0405-1A, Work No. 0405-2B

		provision of public rights of way and private means of access and the construction of the new A66 westbound and improvements to sections of the existing A66 westbound, including a compact grade separated junction, stopping up and re-provisions of public rights of way and the provision of landscaping and reprofiling.	
	0405-05-96	Required for the provision of working space and to facilitate the construction of the realigned Long Marton and the provision of landscaping and reprofiling.	Work No. 0405-16
	0405-05-110 0405-05-111	Required for the provision of working space and to facilitate the construction of the realigned Long Marton.	Work No. 0405-16
Scheme 0405 – The land plans – sheet 6			
In the administrative area of Westmorland and Furness Council	0405-06-29 0405-06-41 0405-06-58	Required for the provision of working space and to facilitate the construction of the new A66 westbound and improvements to sections of the existing A66 westbound, including a compact grade separated junction, stopping up and re-provisions of public rights of way and the provision of landscaping and reprofiling, construction compound and storage area.	Work No. 0405-2B
Scheme 0405 – The land plans – sheet 7			
In the administrative area of Westmorland and Furness Council	0405-07-06	Required for the provision of working space and to facilitate the improvement of a length of the existing A66 (to be de-trunked) between Powis House and Roger Head Farm and the construction of a new cycleway alongside the carriageway as part of improvements to the existing A66 and the improvement of a length of the existing A66 (to be de-trunked) to the south of Roger Head Farm, the construction of a new cycleway alongside the carriageway as part of improvements to the existing A66, the improvement and re-alignment of the existing B6542, the construction of a new cycleway adjacent to the carriageway of the improved B6542, improvements to a private road junction connecting to the improved B6542, and the construction of new and	Work No. 0405-19C, Work No. 0405-19D

		replacement private means of access and the provision of landscaping and reprofiling.	
	0405-07-18	Required for the provision of working space and to facilitate the construction of the new A66 westbound and improvements to sections of the existing A66 westbound, including a compact grade separated junction, stopping up and re-provisions of public rights of way and the provision of landscaping and reprofiling, construction compound and storage area.	Work No. 0405-2B
	0405-07-22	Required for the provision of working space and to facilitate the improvement of a length of the existing A66 (to be de-trunked) to the south of Roger Head Farm, the construction of a new cycleway alongside the carriageway as part of improvements to the existing A66, the improvement and re-alignment of the existing B6542, the construction of a new cycleway adjacent to the carriageway of the improved B6542, improvements to a private road junction connecting to the improved B6542, and the construction of new and replacement private means of access and the provision of new private means of access, landscaping and reprofiling.	Work No. 0405-19D
	0405-07-33 0405-07-35	Required for the provision of working space and to facilitate the improvement of a length of the existing A66 (to be de-trunked) to the south of Roger Head Farm, the construction of a new cycleway alongside the carriageway as part of improvements to the existing A66, the improvement and re-alignment of the existing B6542, the construction of a new cycleway adjacent to the carriageway of the improved B6542, improvements to a private road junction connecting to the improved B6542, and the construction of new and replacement private means of access and the provision of landscaping and reprofiling.	Work No. 0405-19D
	0405-07-40	Required for the provision of working space and to facilitate the construction of the new A66	Work No. 0405-2B

		westbound and improvements to sections of the existing A66 westbound, including a compact grade separated junction, stopping up and re-provisions of public rights of way and the provision of landscaping and reprofiling.	
	0405-07-41 0405-07-45	Required for the provision of working space and to facilitate the construction of the new A66 eastbound and improvements to sections of the existing A66 eastbound and works related to the construction of a new compact grade separated junction, de-trunking and reclassification of the existing A66, provision of public rights of way (including overbridge) and new and replacement private means of access and the construction of a new footpath crossing the new A66 via a new bridge (Roger Head Farm Bridge), works to effect the stopping up of a length of the existing Footpath 317/004 and private means of access north of the Proposed Roger Head Farm Bridge, and the construction of new private means of access between Roger Head Farm and Roger Head Farm Bridge and the provision of landscaping and reprofiling.	Work No. 0405-1B, Work No. 0405-21
	0405-07-52	Required for the provision of working space and to facilitate the construction of the new A66 eastbound and improvements to sections of the existing A66 eastbound and works related to the construction of a new compact grade separated junction, de-trunking and reclassification of the existing A66, provision of public rights of way (including overbridge) and new and replacement private means of access and the provision of environmental mitigation, landscaping and reprofiling, construction compound and storage area, haul route.	Work No. 0405-1B

	0405-07-63 0405-07-94	Required for the provision of working space and to facilitate the improvement of a length of the existing A66 (to be de-trunked) to the south of Roger Head Farm, the construction of a new cycleway alongside the carriageway as part of improvements to the existing A66, the improvement and re-alignment of the existing B6542, the construction of a new cycleway adjacent to the carriageway of the improved B6542, improvements to a private road junction connecting to the improved B6542, and the construction of new and replacement private means of access and the construction of the new A66 westbound and improvements to sections of the existing A66 westbound, including a compact grade separated junction, stopping up and re-provisions of public rights of way and the provision of landscaping and reprofiling.	Work No. 0405-19D, Work No. 0405-2B
SCHEME 06 – APPLEBY TO BROUGH			
Scheme 06 – The land plans – sheet 1			
In the administrative area of Westmorland and Furness Council	06-01-40 06-01-41 06-01-42 06-01-46 06-01-47 06-01-48 06-01-49 06-01-50 06-01-51 06-01-52 06-01-53 06-01-54	Required for the provision of working space and to facilitate works for the improvement of the existing A66 eastbound and westbound single lane carriageway and the construction of an additional carriageway to upgrade the A66 eastbound and westbound single carriageway to a dual carriageway.	Work No. 06-1A
Scheme 06 – The land plans – sheet 2			
In the administrative area of Westmorland and Furness Council	06-02-14	Required for the provision of working space and to facilitate works for the improvement of the existing A66 eastbound and westbound single lane carriageway and the construction of an additional carriageway to upgrade the A66 eastbound and westbound single carriageway to a dual carriageway.	Work No. 06-1A
	06-02-28	Required for the provision of working space and to facilitate works for the improvement of the existing A66 eastbound and	Work No. 06-1A

		westbound single lane carriageway and the construction of an additional carriageway to upgrade the A66 eastbound and westbound single carriageway to a dual carriageway.	
	06-02-23 06-02-27 06-02-34	Required for the provision of working space and to facilitate the construction of works for the improvement and upgrading of the A66, including for use as a haul route.	Work No. 06-1A, Work No. 06-1B
Scheme 06 – The land plans – sheet 3			
In the administrative area of Westmorland and Furness Council	06-03-18	Required for the provision of working space and to facilitate works for the improvement of the existing A66 eastbound and westbound single lane carriageway (including the provision of new cycleway) and the construction of an additional carriageway to upgrade the A66 eastbound and westbound single carriageway to a dual carriageway and the provision of de-trunking works associated with the existing A66.	Work No. 06-1CA
	06-03-34	Required for the provision of environmental mitigation.	All works
Scheme 06 – The land plans – sheet 4			
In the administrative area of Westmorland and Furness Council	06-04-01	Required for the provision of working space and to facilitate the provision of facilities for use by and benefit of the Ministry of Defence (MoD) and the provision of landscaping and reprofiling.	Work No. 06-9
	06-04-02 06-04-08 06-04-09 06-04-10 06-04-16	Required for the provision of working space and to facilitate the provision of facilities for use by and benefit of the Ministry of Defence (MoD).	Work No. 06-9
Scheme 06 – The land plans – sheet 5			
In the administrative area of Westmorland and Furness Council	06-05-23 06-05-25	Required for the provision of working space and to facilitate the construction of part of a new single carriageway local access road connecting Flitholme Road with	Work No. 06-7

		Langrigg Lane, via the new Flitholme – Langrigg Link, including the construction of a length of new equestrian track to connect to new cycleway, the construction of new private means of access to land and properties on the south side of the new A66, and works to effect the stopping up of a length of Langrigg Lane to the south of the existing A66.	
	06-05-19 06-05-20 06-05-24	Required for the provision of working space and to facilitate the construction of works for the improvement and upgrading of the A66, including for use as a haul route.	Work No. 06-1D
Scheme 06 – The land plans – sheet 6			
In the administrative area of Westmorland and Furness Council	06-06-10	Required for the provision of working space and to facilitate the construction of the new single carriageway local access road connecting the existing de-trunked A66 into Mains Street, Brough and the provision of landscaping and reprofiling, construction of surface water drainage infrastructure, construction compound and storage area.	Work No. 06-8
	06-06-31 06-06-40 06-06-45	Required for the provision of working space and to facilitate the construction of the new single carriageway local access road connecting the existing de-trunked A66 into Mains Street, Brough and the provision of landscaping and reprofiling, construction compound and storage area.	Work No. 06-8
SCHEME 07 – BOWES BYPASS			
Scheme 07 – The land plans – sheet 1			
In the administrative area of Durham County Council	07-01-01	Required for the provision of working space and to facilitate the construction of the new eastbound carriageway of the new all-purpose A66 dual carriageway and the provision of landscaping and reprofiling.	Work No. 07-1A
Scheme 07 – The land plans – sheet 2			

In the administrative area of Durham County Council	07-02-59	Required for the provision of working space and to facilitate the improvement of the existing A67 and the construction of new private means of access and the provision of environmental mitigation, landscaping and reprofiling, construction compound and storage area.	Work No. 07-5
Scheme 07 – The land plans – sheet 3			
–	None	–	–
SCHEME 08 – CROSS LANES TO ROKEBY			
Scheme 08 – The land plans – sheet 1			
–	None	–	–
Scheme 08 – The land plans – sheet 2			
In the administrative area of Durham County Council	08-02-39	Required for the provision of working space and to facilitate the construction of a new all-purpose dual carriageway (the new A66) and improvements to the existing A66 and the provision of environmental mitigation, landscaping and reprofiling, permanent diversion of third party apparatus, construction compound and storage area, haul route.	Work No. 08-1C
Scheme 08 – The land plans – sheet 3			
–	None	–	–
SCHEME 09 – STEPHEN BANK TO CARKIN MOOR			
Scheme 09 – The land plans – sheet 1			
–	None	–	–
Scheme 09 – The land plans – sheet 2			
In the administrative area of the North Yorkshire Council	09-02-09	Required for the provision of working space and to facilitate the construction of a shared equestrian track on the north side of the carriageway, the construction of new private means of access to land (including Browson Bank and an attenuation pond), and the improvement of the northernmost length of the existing Dick Scot Lane where it meets the de-trunked A66 and the new equestrian track and the construction of a new realigned section of the de-trunked A66, works to effect the stopping up of redundant lengths of the existing A66, public rights of way (including an equestrian track and a footway) and private means of access and the provision of landscaping and reprofiling, de-trunking works associated with the existing A66.	Work No. 09-3A, Work No. 09-3B

	09-02-13	Required for the provision of working space and to facilitate the construction of a new realigned section of the de-trunked A66, works to effect the stopping up of redundant lengths of the existing A66, public rights of way (including an equestrian track and a footway) and private means of access and the provision of landscaping and reprofiling, de-trunking works associated with the existing A66.	Work No. 09-3B
Scheme 09 – The land plans – sheet 3			
–	None	–	–
Scheme 09 – The land plans – sheet 4			
In the administrative area of the North Yorkshire Council	09-04-30	Required for the provision of working space and to facilitate the construction of new westbound carriageway of the A66 and the provision of environmental mitigation, landscaping and reprofiling, haul route.	Work No. 09-1E
SCHEME 11 – A1(M) J53 SCOTCH CORNER			
Scheme 11 – The land plans – sheet 1			
–	None	–	–

SCHEDULE 7

Article 40

CLASSIFICATION OF ROADS, ETC.

PART 1

SCHEME 0102 – M6 J40 TO KEMPLAY BANK

THE NEW AND IMPROVED A66 TRUNK ROAD
In the administrative area of Westmorland and Furness Council

A 2.8 km length of new and improved A66 trunk road

1. A 2.8 km length of new and improved highway to be classified as part of the A66, commencing from a point 150 metres to the south-west of the existing access to the Livestock Market, and following the existing alignment of the A66 for a distance of 2.4 km to a point 668 metres to the north-east of the new Kemplay Bank Roundabout, and comprising—

(a) a 390 metre length of improved highway commencing from a point 265 metres west of Skirsgill Business Park and following the existing alignment of the A66 for a distance of 390 metres, to a point on the existing A66 carriageway 100 metres south-east of the Livestock Market;

(b) a 600 metre length of improved circulatory carriageway of the M6 J40 roundabout;

(c) a 1.8 km length of improved highway commencing from a point 115 metres south of the North Lakes Hotel & Spa and following the alignment of the existing A66 in a generally westwards direction, passing beneath the bridges at the new Kemplay Bank Roundabout and following the existing alignment of the A66 in a north-easterly direction, then joining the existing A66 carriageway at a point 200 metres north-east of the Police Station,

identified by a red line on the classification of roads plan for scheme 0102.

M6 JUNCTION 40 AND SLIP ROADS
In the administrative area of Westmorland and Furness Council

M6 northbound diverge slip road

2. A 328 metre length of improved slip road to be classified as part of the M6 special road, commencing from its diverge point on the existing northbound carriageway of the M6 and continuing in a north-westerly direction to its junction with the existing roundabout at M6 Junction 40, identified by a blue line on the classification of roads plan for scheme 0102.

M6 northbound merge slip road

3. A 210 metre length of improved slip road to be classified as part of the M6 special road, commencing from its junction with the existing roundabout at M6 Junction 40 and continuing in a north-westerly direction to its merge point on the existing M6 northbound carriageway, identified by a blue line on the classification of roads plan for scheme 0102.

M6 southbound diverge slip road

4. A 263 metre length of improved slip road to be classified as part of the M6 special road, commencing from its diverge point on the existing M6 southbound carriageway and continuing in a south-easterly direction to its junction with the existing roundabout at M6 Junction 40, identified by a blue line on the classification of roads plan for scheme 0102.

M6 southbound merge slip road

5. A 270 metre length of improved slip road to be classified as part of the M6 special road, commencing from its junction with the existing roundabout at M6 Junction 40 and continuing in a south-easterly direction to its merge point on the existing M6 southbound carriageway, identified by a blue line on the classification of roads plan for scheme 0102.

THE IMPROVED A592
In the administrative area of Westmorland and Furness Council

A 205 metre length of improved A592

6. A length of improved highway to be classified as part of the A592, commencing from a point 425 metres to the north-west of the existing access to Skirsgill Depot, and following the existing alignment of the A592 in a south-easterly direction for a distance of 205 metres, to its junction with the M6 Junction 40 roundabout, identified by a pink line on the classification of roads plan for scheme 0102.

THE NEW KEMPLAY BANK JUNCTION SLIP ROADS
In the administrative area of Westmorland and Furness Council

A66 eastbound diverge slip road

7. A 320 metre length of new bifurcated slip road to be classified as part of the A66 trunk road, commencing from its diverge point on the new A66 eastbound carriageway in a north-easterly direction to its junction with the new Kemplay Bank Roundabout, identified by a red line on the classification of roads plan for scheme 0102.

A66 eastbound merge slip road

8. A 360 metre length of new bifurcated slip road to be classified as part of the A66 trunk road, commencing from its junction with the new Kemplay Bank Roundabout and continuing in a north-easterly direction to its merge point on the new eastbound carriageway of the A66, identified by a red line on the classification of roads plan for scheme 0102.

A66 westbound diverge slip road

9. A 343 metre length of new bifurcated slip road to be classified as part of the A66 trunk road, commencing from its diverge point on the new westbound carriageway of the A66 in a south-westerly direction to its junction with the new Kemplay Bank Roundabout, identified by a red line on the classification of roads plan for scheme 0102.

A66 westbound merge slip road

10. A 330 metre length of new bifurcated slip road to be classified as part of the A66 trunk road, commencing from its junction with the new Kemplay Bank Roundabout and continuing in a south-westerly direction to its merge point on the new westbound carriageway of the A66, identified by a red line on the classification of roads plan for scheme 0102.

THE IMPROVED A6, INCLUDING THE CIRCULATORY CARRIAGEWAY OF THE NEW KEMPLAY BANK ROUNDABOUT

In the administrative area of Westmorland and Furness Council

Kemplay Bank Roundabout

11. A 416 metre length of improved circulatory carriageway at the Kemplay Bank Roundabout, to be re-classified as part of the A6, identified by a green line on the classification of roads plan for scheme 0102.

A 90 metre length of improved A6 (southbound approach to Kemplay Bank Roundabout)

12. A length of improved highway to be classified as part of the A6, commencing from a point 75 metres to the south-west of the existing Hospital, and following the existing alignment of the A6 for a distance of 90 metres, to its junction with the new A6 Kemplay Bank Roundabout, identified by a green line on the classification of roads plan for scheme 0102.

A 155 metre length of improved A6 (northbound approach to Kemplay Bank Roundabout)

13. A length of improved highway to be classified as part of the A6, commencing from a point 182 metres to the south-west of the existing Penrith Community Fire Station, and following the existing alignment of the A6 for a distance of 155 metres, to its junction with the new Kemplay Bank Roundabout, identified by a green line on the classification of roads plan for scheme 0102.

THE NEW AND IMPROVED A686

In the administrative area of Westmorland and Furness Council

A 242 metre length of improved A686

14. A length of new road to be classified as part of the A686, commencing from a point 177 metres to the north of the existing Police Station, and continuing in a generally south-westerly direction for a distance of 242 metres, to its junction with the new A6 Kemplay Bank Roundabout at a point 95 metres south-east of the existing Hospital, identified by a cyan line on the classification of roads plan for scheme 0102.

ROAD TO BE DE-TRUNKED

In the administrative area of Westmorland and Furness Council

15. A length of approximately 416 metres of the existing A66, comprising the existing circulatory carriageway of the Kemplay Bank Roundabout, commencing from a point A (as identified on the de-trunking plan for scheme 0102) located 90 metres to the south of the Hospital and continuing in a clockwise direction returning to the same point A, 90 metres to the south of the Hospital, as identified by black diagonal hatching on the de-trunking plans for scheme 0102.

PART 2

SCHEME 03 – PENRITH TO TEMPLE SOWERBY

THE NEW AND IMPROVED A66 TRUNK ROAD

In the administrative area of Westmorland and Furness Council

A 2.9 kilometre length of improved A66 trunk road

16. A length of highway proposed to be improved and to be classified as part of the A66, commencing from a point 360 metres to the north-east of Brougham Castle, and following the

existing A66 alignment for a distance of 2.9 km, to a point on the existing A66 carriageway 610 metres to the west of Lane End, identified by a red line on the classification of roads plan for scheme 03.

A 2.4 kilometre length of new A66 trunk road

17. A 2.4 km length of new road to be constructed and classified (as identified in sub-paragraphs (a) to (d) below) as part of the A66 trunk road

(a) commencing from a point 610 metres to the west of Lane End, then departing from the existing alignment in a south-easterly direction and continuing in a generally easterly direction to a point 370 metres west of Lane End;

(b) passing beneath the new bridge at the Junction at Center Parcs and then continuing in an easterly direction for a distance of 725 metres to a point where it joins the existing A66 carriageway at a point 315 metres east of Lane End;

(c) then departing from the existing A66 alignment in a north easterly direction commencing from a point 315 metres to the east of Lane End in a generally north-easterly direction for a distance of 920 metres; and

(d) continuing eastwards for a distance of 760 metres to a point where it joins the existing A66 carriageway at a point 405 metres to the north-west of the existing westbound junction at Temple Sowerby,

identified by a red line on the classification of roads plan for scheme 03.

NEW JUNCTION AT CENTER PARCS

In the administrative area of Westmorland and Furness Council

A 116 metre length of new road (Northbound Approach)

18. A 116 metre length of new road to be classified as part of the A66, commencing from a point 472 metres to the south-west of Lane End continuing in a generally northerly direction to its junction with the westbound carriageway of the new A66 at a point 436 metres to the east of Lane End, identified by a red line on the classification of roads plan for scheme 03.

A 493 metre length of new road (Connector Loop)

19. A 493 metre length of new road to be classified as part of the A66, commencing from its junction with the new A66 on the eastbound carriageway at a point 469 metres to the west of Lane End, continuing northwards for a distance of 157 metres, before turning eastwards and then southwards and passing under the new A66 at a point 361 metres to the south-west of Lane End, continuing generally south-eastwards to its junction with the new northbound approach at a point 472 metres to the south-east of Lane End, identified by a red line on the classification of roads plan for scheme 03.

NEW B6262

In the administrative area of Westmorland and Furness Council

B6262 (Realigned)

20. A 101 metre length of new and improved road to be classified as part of the B6262, commencing from a point 460 metres to the east of Brougham Castle and continuing in a generally northerly direction to its junction with the improved A66 at a point 520 metres to the east of Brougham Castle, identified by a green line on the classification of roads plan for scheme 03.

NEW JUNCTION AND LINK ROAD OPPOSITE WHINFELL PARK
In the administrative area of Westmorland and Furness Council

A 144 metre length of new road (unclassified U3192)

21. A length of new unclassified road (U3192), commencing at its intersection with byway 311/013 at a point 933 metres to the south-west of St. Ninian's Church and continuing in a generally southerly direction to its junction with the improved A66 at a point 204 metres to the north of Whinfell Park, identified by a black line on the classification of roads plan for scheme 03.

NEW JUNCTION AND LINK ROAD TO DE-TRUNKED SECTION OF A66 (ROMAN ROAD)
In the administrative area of Westmorland and Furness Council

A 247 metre length of new road (unclassified westbound approach) (unclassified U3193)

22. A length of new unclassified road (U3193), commencing from a point 121 metres to the west of Lane End and continuing in a generally westerly direction to its junction with a new connector road at the new junction at Center Parcs, at a point 354 metres to the west of Lane End, identified by a black line on the classification of roads plan for scheme 03.

ROAD TO BE DE-TRUNKED
In the administrative area of Westmorland and Furness Council

23. A length of approximately 451 metres of the existing A66, commencing from a point A on sheet 1 of the de-trunking plans for scheme 03, being a point on the A66 trunk road 200 metres to the east of Lane End, extending in an easterly direction to a point B on sheet 1 of the de-trunking plans for scheme 03, being a point on the A66 trunk road 261 metres to the east of Lane End.

PART 3

SCHEME 0405 – TEMPLE SOWERBY TO APPLEBY

THE NEW AND IMPROVED A66 TRUNK ROAD
In the administrative area of Westmorland and Furness Council

An 8.6 kilometre length of new road

24. An 8.6 km length of new road to be constructed and classified (as identified in sub-paragraphs (a) to (h) below) as part of the A66 trunk road (such length also including existing highway to be improved, as identified in sub-paragraphs (a) to (h) below)—

(a) commencing from a point 430 metres to the south-east of the existing Morland Road Underpass and following the existing alignment of the A66 for a distance of 333 metres in a generally easterly direction passing over the existing Spitals Underpass ;

(b) then departing from the existing alignment of the A66 in a north-easterly direction, and passing to the north of Kirkby Thore, for a distance of 1.3 km, passing beneath the new bridge at Cross Street;

(c) continuing on its new alignment to the north of Kirkby Thore for a distance of 889 metres and passing beneath the new C3065 Fell Lane Bridge which forms part of the new Kirkby Thore Junction;

(d) then continuing on its new alignment in a generally southerly direction for a distance of 870 metres and passing beneath the new Sleastonhow Lane Bridge;

(e) then continuing in a south-easterly direction for a distance of 682 metres and crossing the Trout Beck on a new viaduct east of the existing A66;

(f) then continuing in a generally south–easterly direction for a distance of 925 metres, to its junction with the new C3063 (the new Long Marton Junction) where it passes over the new C3063 (which passes beneath the new A66 via an underbridge);

(g) continuing on its new alignment in a generally south-easterly direction, passing to the north of Crackenthorpe, and running parallel to the existing alignment of the A66 (to be reclassified as the new B6542) for a distance of 2.88 km, and then reconnecting with the existing alignment of the A66 at a point 205 metres to the west of the existing railway bridge;

(h) then following the existing alignment of the A66 for a distance of 250 metres passing below the existing railway bridge, and continuing to a point 150 metres to the west following the existing alignment of the A66,

identified by a red line on the classification of roads plan for scheme 0405.

THE NEW A66 COMPACT CONNECTOR ROADS
In the administrative area of Westmorland and Furness Council

Temple Sowerby connector road

25. A 129 metre length of new and existing road to be classified as part of the new A66 commencing at a point 15 metres to the south of its existing junction with the A66 westbound carriageway, continuing in a generally easterly direction, to its junction with the proposed roundabout as shown on sheet 1 of the classification of roads plan for scheme 0405, identified by a red line on the classification of roads plan for scheme 0405.

Kirkby Thore Junction (access to British Gypsum) eastbound connector road

26. A 155 metre diverge slip road off, and a 210 metre merge slip road onto, the eastbound carriageway of the new A66, connecting to a 178 metre length of new compact connector road, in a generally northerly direction, connecting with the improved unclassified Fell Lane (C3065). Slip roads and compact connector road to be classified as part of the A66, identified by a red line on the classification of roads plan for scheme 0405.

Kirkby Thore Junction (access to British Gypsum) westbound connector road

27. A 160 metre diverge slip road off, and a 180 metre merge slip road onto, the westbound carriageway of the new A66, connecting to a 217 metre length of new compact connector road, in a generally southerly direction, connecting with the new C3065. Slip roads and compact connector road to be classified as part of the A66, identified by a red line on the classification of roads plan for scheme 0405.

Long Marton Junction eastbound connector road

28. A 115 metre diverge slip road off, and a 130 metre merge slip road onto, the eastbound carriageway of the new A66, connecting to a 222 metre length of new compact connector road, in a generally north-easterly direction, connecting with the new C3063. Slip roads and compact connector road to be classified as part of the A66, identified by a red line on the classification of roads plan for scheme 0405.

Long Marton Junction westbound connector road

29. A 120 metre diverge slip road off, and a 129 metre merge slip road onto, the westbound carriageway of the new A66, connecting to a 200 metre length of new compact connector road, in a generally easterly direction, connecting with the new C3063. Slip roads and compact connector road to be classified as part of the A66, identified by a red line on the classification of roads plan for scheme 0405.

Local road linking C3057 to A66

30. A 26 metre length of existing road to be classified as part of the new A66, commencing at its junction with the C3057 (Roman Road) and continuing in a south-westerly direction, following the alignment of the existing road which links with the eastbound carriageway of the A66, identified by a red line on the classification of roads plan for scheme 0405.

THE NEW B6542
In the administrative area of Westmorland and Furness Council

An 8.5 km length of new and existing road

31. An 8.5 km length of new and existing road (as identified in sub-paragraphs (a) to (c) below) to be classified as part of the new B6542—

(a) commencing at Point A, shown on the classification of roads plan for scheme 0405, and being the eastern arm of the new roundabout junction of the new B6542 with the new C3057 and the new A66 Temple Sowerby link road, and continuing for a distance of 1 km in a south-easterly direction and passing over the Spitals Underpass;

(b) following the alignment of the existing A66 for a distance of 6.4 km in a generally south-easterly direction;

(c) then departing from the alignment of the existing A66 at a point 800 metres to the east of its junction with Crackenthorpe Road and continuing for a distance of 1 km on the alignment of the existing B6542, to a point 277 metres to the west of the junction of the existing B6542 with Battlebarrow Road,

identified by a dark blue line on the classification of roads plan for scheme 0405.

Proposed Roundabout

32. A new roundabout, connecting the new Temple Sowerby connector road with the new B6542, and the new C3057 (Morland Road north and south), identified by a dark blue line on the classification of roads plan for scheme 0405.

THE NEW C3057
In the administrative area of Westmorland and Furness Council

C3057 South

33. A 154 metre length of improved road to be classified as part of the C3057, commencing at a point 317 metres south of the point where it passes beneath the existing A66 and continuing in a generally northernly direction until Point B on the classification of roads plan for scheme 0405, identified by a green line on the classification of roads plan for scheme 0405.

C3057 North

34. A 508 metre length of improved road to be classified as part of the C3057, commencing from Point C on the classification of roads plan for scheme 0405, and continuing in a generally northerly direction on the existing alignment of Morland Road, then continuing in a westerly direction on the alignment of the existing Roman Road for a distance of 245 metres, to a point 100 metres to the west of the junction of Roman Road with the new link road leading to the existing A66, identified by a green solid line on the classification of roads plan for scheme 0405.

THE NEW C3065

In the administrative area of Westmorland and Furness Council

C3065 Road – Fell Lane

35. A 342 metre length of new and improved road to be classified as part of the C3065, commencing at a point on Fell Lane, 97 metres to the north of its junction with existing Main Street, passing over the new A66 trunk road at the new Kirkby Thore Junction, and continuing in a generally south-westerly direction, on the existing alignment of Fell Lane, up to its junction with the realigned Main Street, identified by an orange line on the classification of roads plan for scheme 0405.

C3065 Road – Realigned Main Street

36. A 646 metre length of new road to be classified as part of the C3065, commencing from its junction with the improved (unclassified) Fell Lane (C3065), and continuing in a generally south-easterly direction to a point 30 metres to the north-east of the existing access to Green Barn, identified by an orange line on the classification of roads plan for scheme 0405.

37. An 87 metre length of existing road to be classified as part of the C3065, commencing at its junction with the new B6542 and continuing for a distance of 87 metres along the existing alignment of Main Street in Kirkby Thore, identified by an orange line on the classification of roads plan for scheme 0405.

THE NEW C3063

In the administrative area of Westmorland and Furness Council

A 1.15 km length of new road

38. A 1.15 km length of new road to be classified as part of the C3063, commencing at Point D on the classification of roads plan, being at a distance of 1 km to the east of the junction of the existing Roman Road (bridleway) with the existing highway known as Long Marton, and continuing in a westerly and then a south-westerly direction, passing beneath the new A66 trunk road at the new compact grade-separated Long Marton Junction, and continuing to the point at which it meets the existing A66 (reclassified as the B6542), identified by a purple line on the classification of roads plan for scheme 0405.

THE NEW UNCLASSIFIED ROADS

In the administrative area of Westmorland and Furness Council

Roman Road (unclassified U3199)

39. A 302 metre length of the improved unclassified Roman Road (U3199), commencing at its junction with the new C3057, continuing on the existing alignment of Roman Road for a distance of 302 metres to the point where it meets the existing Priest Lane, identified by a black line on the classification of roads plan for scheme 0405.

New Cross Street (unclassified C3030)

40. A 397 metre length of improved road, commencing on the existing Cross Street at a point to the east of Halefield Farm, following the existing alignment of Cross Street (C3030) for a distance of 85 metres, then departing and passing over the new A66 at the Cross Street bridge and terminating at Point F on the classification of roads plan for scheme 0405.

41. A 33 metre length of existing link road, commencing at its junction with the existing Cross Street and continuing for a distance of 33 metres in a generally southerly direction.

42. A 32 metre length of existing link road, commencing at its junction with Cross Street and terminating at Point G on the classification of roads plan for scheme 0405.

43. A 207 metre length of existing road, commencing at point E and continuing in a generally easterly direction to point F, points E and F being as shown on the classification of roads plan for scheme 0405, identified by a black line on the classification of roads plan for scheme 0405.

Main Street (unclassified U3772)

44. A 290 metre length of improved unclassified road (U3772), commencing at the junction of Main Street and Fell Lane, continuing in a generally easterly direction for a distance of 290 metres, identified by a black line on the classification of roads plan for scheme 0405.

New Sleastonhow Lane (unclassified U3202)

45. An 824 metre length of new unclassified road (U3202), commencing at a point on the existing Sleastonhow Lane 256 metres to the south of its junction with Main Street, continuing on the existing alignment of Sleastonhow Lane for a distance of 80 metres, then continuing in a south-easterly direction on its new alignment, and passing over the new A66 trunk road via the new Sleastonhow Lane bridge, and reconnecting with the existing alignment of Sleastonhow Lane at a point 901 metres to the south of its junction with Main Street, then continuing for a distance of 115 metres, identified by a black line on the classification of roads plan for scheme 0405.

Improved Long Marton (unclassified U3773)

46. An 81 metre length of improved and unclassified road (U3773) comprising—

(a) a 41 metre length of improved highway known as Long Marton (U3773), commencing at the junction of Long Marton with the existing A66 (to be reclassified as the B6542), and continuing in a north-easterly direction for a distance of 89 metres;

(b) a 771 metre length of new and improved unclassified road (U3773) comprising highway known as Long Marton, commencing at a point 218 metres north-east of the junction of Long Marton with the existing A66 (to be reclassified as the B6542), and continuing on its existing alignment for a distance of 617 metres, and then continuing on a new alignment in a south-easterly direction to its junction with the new C3063,

identified by a black line on the classification of roads plan for scheme 0405.

Existing Fell Lane (unclassified C3065)

47. A 185 metre length of improved unclassified road (C3065), from its junction with the realigned Main Street part of the C3065, for a distance of 185 metres in a north-easterly direction, identified by a black line on the classification of roads plan for scheme 0405.

UNCLASSIFIED ROAD WITH NEW QUIET LANE DESIGNATION
In the administrative area of Westmorland and Furness Council

Priest Lane (unclassified U3199)

48. A 1.9 km length of road (U3199), commencing at the existing junction of Roman Road with Priest Lane, continuing on the existing alignment of Priest Lane for a distance of 1.1 km, then continuing in a generally north-easterly direction to the point where it meets the improved (unclassified) Cross Street, identified by a cyan line on the classification of roads plan for scheme 0405.

ROADS TO BE DE-TRUNKED
In the administrative area of Westmorland and Furness Council

49. A 7.2 km length of the existing A66 trunk road from Point A on sheet 1 (of 6) of the de-trunking plans for scheme 0405, being a point 242 metres to the south-east of Spitals Farm, to Point B on sheet 6 (of 6) of the de-trunking plans for scheme 0405, being a point 277 metres to the west of the railway bridge carrying the existing A66 over the Settle to Carlisle railway line.

PART 4

SCHEME 06 – APPLEBY TO BROUGH

THE NEW AND IMPROVED A66 TRUNK ROAD
In the administrative area of Westmorland and Furness Council

An 8.2 kilometre length of new road

50. An 8.2 km length of new road to be constructed and classified (as identified in sub-paragraphs (a) to (h) below) as part of the A66 trunk road (such length also including existing highway to be improved, as identified in sub-paragraphs (a) and (h) below)—

(a) commencing from a point 200 metres to the west of Café Sixty Six and following the existing alignment of the A66 for a distance of 980 metres in a generally south-easterly direction to a point 1.2 km west of the junction of the existing A66 with the Sandford Road B6259;

(b) passing over the new bridge at the new compact grade-separated B6259 Sandford Junction and then continuing in a generally south-easterly direction for a distance of 1.8 km to a point 531 metres to the east of the centreline of the existing B6259;

(c) then continuing on a new alignment in a south-easterly direction, passing to the north of Warcop, for a distance of 610 metres, crossing the Cringle Beck on a new viaduct at a point 210 metres south of the existing A66;

(d) continuing from the Cringle Beck in a generally south-easterly direction for a distance of 680 metres, crossing the Moor Beck on a new viaduct at a point 21 metres south of the existing A66 Moor Beck crossing;

(e) continuing from the Moor Beck in a generally south-easterly direction for a distance of 320 metres to cross the existing Warcop Road at a point 165 metres north of its junction with the existing Station Road;

(f) continuing from Warcop Road and passing under the new bridge to the west of Warcop Road carrying the local road connection and continuing to the north of Warcop for a distance of 1.5 km in a generally south-easterly direction and crossing the route of the existing Flitholme Road at a point 47 metres south of its junction with the existing A66;

(g) continuing to the north of Flitholme and Langrigg in a generally easterly direction for a distance of 570 metres and crossing the route of the existing Langrigg Lane at a point 33 metres south of its junction with the existing A66; and

(h) from Langrigg Lane continuing to the south of the existing A66 for a distance of 1.8 km in a generally easterly direction to a point located 394 metres to the west of the existing Musgrave Lane Overbridge at Brough,

identified by a red line on the classification of roads plan for scheme 06.

B6259 SANDFORD JUNCTION (A66 TRUNK ROAD)
In the administrative area of Westmorland and Furness Council

New B6259 Sandford Junction

51. A 556 metre length of new road, including diverge and merge slip roads onto and off the eastbound carriageway of the new A66 and a new connector road (together forming part of the new compact grade-separated Sandford Junction) to be constructed and classified as part of the A66 trunk road, commencing from its diverge point on the centre of the new A66 eastbound carriageway, continuing in a northerly and then a southerly direction, passing under the new A66 mainline and continuing in an easterly direction to its connection with the new B6259, identified by a red line on the classification of roads plan for scheme 06.

NEW WARCOP EASTBOUND JUNCTION
In the administrative area of Westmorland and Furness Council

New Warcop Eastbound Junction

52. A 285 metre length of new road to be constructed and classified as part of the new C3077, commencing from its diverge point on the centre of the new A66 eastbound carriageway and continuing in a north-easterly direction to its merge point on the centre of the new C3077 (old de-trunked A66), identified by an orange line on the classification of roads plan for scheme 06.

NEW WARCOP WESTBOUND JUNCTION
In the administrative area of Westmorland and Furness Council

New Warcop Westbound Junction

53. A 715 metre length of new road to be constructed and classified as part of the A66 trunk road, commencing from its diverge point on the centre of the new A66 westbound carriageway (including merge and diverge slip roads and connector road) and continuing in a southerly and then a northerly direction over the new A66 to its connection with the new local road (C3077) on the north side of the new A66, identified by a red line on the classification of roads plan for scheme 06.

THE NEW B6259
In the administrative area of Westmorland and Furness Council

A 220m length of new road (new B6259)

54. A 220 metre length of new road to be constructed and classified as part of the new B6259 located 29 metres to the east of the existing B6259, north of Sandford, and extending generally northwards from a point 220 metres south of the existing junction of the B6259 and the A66, identified by a green line on the classification of roads plan for scheme 06.

THE EXISTING A66 (NEW C3077)
In the administrative area of Westmorland and Furness Council

A 1.1 kilometre length of existing A66 trunk road

55. A 1.1 km length of the existing A66 trunk road to be reclassified as part of the C3077 (as identified in sub-paragraphs (a) and (b) below)—

(a) commencing from a point 12 metres to the west of Hayber Lane following the existing A66 alignment for a distance of 113 metres in a generally south-easterly direction to a point 100 metres east of the junction of the existing A66 with Hayber Lane; and

(b) commencing from a point 311 metres to the east of the junction of Flitholme Road with the existing A66, and following the existing A66 alignment for a distance of 1 km in a generally easterly direction to a point 1.2 km east of the junction of the existing A66 with Flitholme Road,

identified by an orange line on the classification of roads plan for scheme 06.

THE NEW C3077

In the administrative area of Westmorland and Furness Council

A 3.5 kilometre length of new road (realigned old A66)

56. A 3.5 km length of new local road to be constructed and classified as part of the C3077 (as identified in sub-paragraphs (a) and (b) below)—

(a) commencing from a point 100 metres to the east of Hayber Lane and continuing on a new alignment adjacent to the new A66 for a distance of 2.3 km in a generally south-easterly direction to a point 311 metres east of the junction of the existing A66 with Flitholme Road; and

(b) commencing from a point 759 metres to the east of Langrigg Lane and continuing on a new alignment, in parallel with the new A66, for a distance of 1.2 km in a generally easterly direction to a point 254 metres west of the junction of Musgrave Lane and Main Street,

identified by an orange line on the classification of roads plan for scheme 06.

THE NEW UNCLASSIFIED U3311

In the administrative area of Westmorland and Furness Council

A 126 metre length of new road (Flitholme Road)

57. A 126 metre length of new local road to be constructed and classified as the U3311 commencing from its junction with the new Flitholme to Langrigg Link (U3311) and continuing for a distance of 126 metres in a generally north-easterly direction to its junction with the new C3077, identified by a black line on the classification of roads plan for scheme 06.

THE NEW UNCLASSIFIED U3311

In the administrative area of Westmorland and Furness Council

A 666 metre length of new road (Flitholme to Langrigg Link)

58. A 666 metre length of new local road to be constructed and classified as the U3311 commencing from a point 145 metres to the north-east of the Low Gill Beck near Flitholme village and continuing for a distance of 666 metres in a generally easterly direction to connect with the existing Langrigg Lane, identified by a black line on the classification of roads plan for scheme 06.

THE NEW UNCLASSIFIED U3221

In the administrative area of Westmorland and Furness Council

A 890 metre length of the existing A66 at Warcop (Moorhouse Link)

59. An 890 metre length of the existing A66 to become an unclassified road (U3221) between the New Warcop Eastbound Junction and a point 280 metres to the west of its junction with Moorhouse Lane, identified by a black line on the classification of roads plan for scheme 06.

ROADS TO BE DE-TRUNKED
In the administrative area of Westmorland and Furness Council

A 1.2 kilometre length of existing A66 Trunk Road

60. A 1.2 km metre length of the existing A66 trunk road from point A on sheet 1 of the de-trunking plans for scheme 06, being the junction of the existing A66 trunk road with Moorhouse Lane, extending in a generally south-easterly direction to point B on sheet 1 of the de-trunking plans for scheme 06, being a point on the existing A66 trunk road, 270 metres to the south-east of its intersection with Hayber Lane.

A 1.4 kilometre length of existing A66 Trunk Road

61. A 1.4 km length of the existing A66 trunk road from point C on sheet 2 of the de-trunking plans for scheme 06, being a point on the A66 trunk road 490 metres to the west of the junction of the existing A66 with Bridleway 350/021, in an easterly direction to point D on sheet 2 of the de-trunking plans for scheme 06, being a point on the existing A66 trunk road, 900 metres to the east of its intersection with Langrigg Lane.

PART 5

SCHEME 07 – BOWES BYPASS

THE NEW AND IMPROVED A66 TRUNK ROAD
In the administrative area of Durham County Council

A66 all-purpose dual carriageway

62. A 3.6 km length of new road to be constructed and classified as part of the A66 trunk road all-purpose dual carriageway (such length also including existing highway to be improved) commencing from a point 550 metres to the west of the Clint Lane Overbridge and following the existing A66 alignment for a distance of 3.6 km in a generally easterly direction to a point 363 metres east of the access to Hulands Quarry, identified by a red line on the classification of roads plan for scheme 07.

THE NEW AND IMPROVED BOWES JUNCTION
In the administrative area of Durham County Council

A66 eastbound diverge slip road

63. A 525 metre length of new slip road to be classified as part of the A66 trunk road, commencing from its diverge point on the new A66 eastbound carriageway, in a north-easterly direction to its junction with the improved A67, 35 metres north of the A66, identified by a red line on the classification of roads plan for scheme 07.

A66 eastbound merge slip road

64. A 450 metre length of new slip road to be classified as part of the A66 trunk road, commencing from its junction with the improved A67, 88 metres north of the new A66, and continuing in a south-easterly direction to its merge point on the centre of the eastbound carriageway of the new A66 trunk road, identified by a red line on the classification of roads plan for scheme 07.

A66 westbound diverge slip road

65. A 604 metre length of new slip road to be classified as part of the A66 trunk road, commencing from its diverge point on the new A66 westbound carriageway in a westerly direction to its junction with the unnamed unclassified side road (from the A67 into Bowes), 42 metres south-east of the junction with the A67, identified by a red line on the classification of roads plan for scheme 07.

A66 westbound merge slip road

66. A 368 metre length of new slip road to be classified as part of the A66 trunk road, commencing from the existing alignment of the A67, 72 metres south-east of its junction with the unnamed unclassified side road (from the A67 into Bowes), and continuing in a generally westerly direction to its merge point on the westbound carriageway of the new A66 trunk road, identified by a red line on the classification of roads plan for scheme 07.

A67

67. A 339 metre length of existing road to be widened and classified as part of the A67, commencing 72 metres south-east of its junction with the unnamed unclassified side road (from the A67 into Bowes), and continuing in a generally north-easterly direction, identified by a green line on the classification of roads plan for scheme 07.

UNCLASSIFIED ROADS, THE STREET AND CLINT LANE OVERBRIDGE
In the administrative area of Durham County Council

The Street

68. A 733 metre length of new unclassified road to be constructed, commencing 160 metres to the west of the existing junction of "The Street" with the A66 and continuing in an easterly direction for approximately 420 metres, then turning and continuing in a generally northerly direction and crossing the A66 via the East Bowes Accommodation Overbridge. The new unclassified road then curves eastwards and southwards before terminating at the new private means of access to Low Broats Farm and High Broats Farm, on the eastern side of the existing Low Broats Farm property, identified by a black line on the classification of roads plan for scheme 07.

The new Clint Lane Overbridge

69. A 115 metre length of new unclassified road to be constructed, comprising the new Clint Lane Overbridge (replacing the existing Clint Lane Overbridge), passing over the new A66 and linking Clint Lane with The Street, identified by a black line on the classification of roads plan for scheme 07.

Unnamed Side Road

70. A 126 metre length of existing unclassified road to be improved, commencing from its junction with the realigned A67 and continuing in a generally southerly direction towards The Street, identified by a black line on the classification of roads plan for scheme 07.

ROADS TO BE DE-TRUNKED
In the administrative area of Durham County Council

A66 Junction with The Street

71. A length of approximately 45 metres of the existing A66 trunk road as shown on sheet 1 of the de-trunking plan for scheme 07 and being the existing junction of "The Street" with the westbound carriageway of the A66, to the east of Stone Bridge Farm.

PART 6

SCHEME 08 – CROSS LANES TO ROKEBY

THE NEW AND IMPROVED A66 TRUNK ROAD
In the administrative area of Durham County Council

A66 all-purpose dual carriageway

72. A 4.2 km length of new road to be constructed and classified (as identified in sub-paragraphs (a) to (e) below) as part of the A66 trunk road all-purpose dual carriageway (such length also including existing highway to be improved, as identified in sub-paragraphs (a), (c) and (e) below)—

(a) commencing from a point 200 metres to the west of the existing junction of the A66 with Rutherford Lane and following the existing A66 alignment for a distance of 1.1 km in a generally easterly direction; passing through the new Cross Lanes compact grade separated junction and under the new B6277 Moorhouse Lane bridge to a point 400 metres east of the junction of the existing A66 with B6277 Moorhouse Lane;

(b) then departing from the existing alignment of the A66 in a south-easterly direction, running generally parallel with the existing A66 for a distance of 645 metres past Street Side Farm, in an easterly direction;

(c) re-joining the existing A66 alignment at a point 393 metres east of the existing junction of the private means of access to Birk House Farm with the A66 and continuing in an easterly direction for 644 metres;

(d) departing from the existing alignment of the A66 in a south-easterly direction, passing through the new Rokeby Junction and passing on the south side of the Old Rectory building 100 metres south of the existing A66 before curving northwards and re-joining the existing alignment of the A66 at the existing junction with the C165 Barnard Castle Road;

(e) continuing in an easterly direction along the alignment of the existing A66 for a distance of 445 metres,

identified by a red line on the classification of roads plan for scheme 08.

THE NEW CROSS LANES JUNCTION AND UNCLASSIFIED SIDE ROADS AT RUTHERFORD LANE AND MOORHOUSE LANE
In the administrative area of Durham County Council

Eastbound A66 / B6277 compact connector road

73. A 150 metre diverge slip road off, and a 130 metre merge slip road with a 40 metre nose onto, the eastbound carriageway of the new A66, both connecting to a 177 metre length of new compact connector road curving in a northerly and then an easterly direction, and connecting to the new B6277 Moorhouse Lane. Slip roads and compact connector road to be classified as part of the A66, identified by a red line on the classification of roads plan for scheme 08.

Westbound A66 / B6277 compact connector road

74. A 150 metre diverge slip road off, and a 170 metre merge slip road onto, the westbound carriageway of the new A66, both connecting to a 78 metre length of new compact connector road in a southerly direction, connecting with the new B6277 Moorhouse Lane. Slip roads and compact connector road to be classified as part of the A66, identified by a red line on the classification of roads plan for scheme 08.

New B6277 Moorhouse Lane link road

75. A 1.1 km length of new road to be constructed (as identified in sub-paragraphs (a) to (c) below) and classified as the B6277 Moorhouse Lane—

(a) commencing 70 metres to the south-west of its junction with the realigned Rutherford Lane, at a point 240 metres south of the existing junction of the A66 with Rutherford Lane; continuing in a north-easterly direction;

(b) then crossing the new A66 via a new overbridge, 125 metres west of the existing A66 junction with the B6277 Moorhouse Lane;

(c) continuing northwards and re-joining the existing B6277 Moorhouse Lane, at a point 410 metres north of the existing junction of the A66 with the B6277 Moorhouse Lane,

identified by a cyan line on the classification of roads plan for scheme 08.

Realigned Moorhouse Lane (north)

76. A 170 metre length of new unclassified road to be constructed, commencing from its junction with the new B6277 Moorhouse Lane at a point 235 metres north of the existing junction of the A66 with the B6277 Moorhouse Lane and continuing in a southerly direction for a distance of 70 metres (replacing the equivalent length of the existing B6277 Moorhouse Lane with unclassified road), identified by a black line on the classification of roads plan for scheme 08.

Realigned Rutherford Lane

77. A 78 metre length of new unclassified road to be constructed, commencing from its junction with the new B6277 Moorhouse Lane link road, approximately 225 metres south of the existing junction of the A66 with Rutherford Lane, continuing in a northerly direction before connecting into the existing Rutherford Lane, identified by a black line on the classification of roads plan for scheme 08.

Realigned Moorhouse Lane (south)

78. A 332 metre length of new unclassified road to be constructed, commencing from its junction with the new B6277 Moorhouse Lane link road and continuing eastwards, passing to the north of the Cross Lanes Organic Farm Shop and Café before curving southwards to connect to the existing Moorhouse Lane (south), identified by a black line on the classification of roads plan for scheme 08.

THE NEW ROKEBY JUNCTION
In the administrative area of Durham County Council

A66 Eastbound Diverge connector road

79. A 183 metre diverge slip road off the eastbound carriageway of the new A66 curving northwards to connect to the existing A66 (to be reclassified as part of the C165 Barnard Castle Road), identified by a red line on the classification of roads plan for scheme 08.

Westbound A66 / C165 compact connector road

80. A 150 metre diverge slip road off, and a 170 metre merge slip road onto, the westbound carriageway of the new A66, both connecting to a 210 metre length of new compact connector road in a southerly direction, connecting with the new C165 Barnard Castle Road. Slip roads and compact connector road to be classified as part of the A66, identified by a red line on the classification of roads plan for scheme 08.

Rokeby Junction compact grade separated junction

81. A 200 metre length of new road to be classified as part of the C165 Barnard Castle Road. Commencing at a point 155 metres south of the existing alignment of the A66, then continuing northwards under the new A66 via a new underbridge, then curving in an easterly direction to join the existing alignment of the A66, (to be reclassified as part of the C165 Barnard Castle Road) at a point 190 metres west of St Mary's Church, identified by a pink line on the classification of roads plan for scheme 08.

RECLASSIFICATION OF THE EXISTING A66 AS THE C165
In the administrative area of Durham County Council

Existing A66

82. A length of the existing A66 to be reclassified as the C165 Barnard Castle Road—

(a) commencing at the new Rokeby Junction, from a point 190m west of St Mary's Church, and continuing in an easterly direction for 920 metres;

(b) then continuing around the circulatory carriageway of the new roundabout at the existing junction of the A66 with the C165 Barnard Castle Road,

identified by a purple line on the classification of roads plan for scheme 08.

A66 EASTBOUND MERGE SLIP ROAD FROM RECLASSIFIED C165 BARNARD CASTLE ROUNDABOUT
In the administrative area of Durham County Council

A66 Eastbound Merge Slip Road

83. A 350 metre length of the existing A66, linking the C165 (formerly the A66) to the new A66, to be classified as the A66. Commencing at the new roundabout linking the new C165 Barnard Castle Road with the A66 and continuing eastwards to connect onto the new A66 all-purpose dual carriageway, identified by a red line on the classification of roads plan for scheme 08.

ROADS TO BE DE-TRUNKED
In the administrative area of Durham County Council

A66 Junction with Rutherford Lane

84. A length of approximately 55 metres of the existing A66 trunk road, identified between points A and B on sheet 1 of the de-trunking plans for scheme 08, and being located at the existing junction of Rutherford Lane with the A66.

A66 Trunk Road

85. A length of approximately 26 metres of the existing A66 trunk road, identified between points C and D on sheet 1 of the de-trunking plans for scheme 08, and being located opposite the existing junction of Moorhouse Lane (South) with the A66.

A66 Junction with Moorhouse Lane (South)

86. A length of approximately 105 metres of the existing A66 trunk road, identified between points E and F on sheet 1 of the de-trunking plans for scheme 08, and being located at the existing junction of Moorhouse Lane (South) with the A66.

A66 Trunk Road

87. A length of approximately 1.27 km of the existing A66 trunk road, commencing from a point on the A66 trunk road 200 metres to the east of the point where existing Rokeby Footpath 10 meets the existing A66, identified as point G on sheet 2 of the de-trunking plans for scheme 08, and continuing in an easterly direction to a point on the existing A66 trunk road, 20 metres to the east of the existing junction of the A66 with Barnard Castle Road, identified as point H on sheet 3 of the de-trunking plans for scheme 08.

PART 7

SCHEME 09 – STEPHEN BANK TO CARKIN MOOR

THE NEW AND IMPROVED A66 TRUNK ROAD
In the administrative area of the North Yorkshire Council

A66 all-purpose dual carriageway

88. A 6.2 km length of new road to be constructed and classified (as identified in sub-paragraphs (a) to (f) below) as part of the A66 trunk road all-purpose dual carriageway (such length also including existing highway to be improved, as identified in sub-paragraphs (a), (e) and (f) below)—

(a) commencing from a point 675 metres to the west of the existing junction of the A66 with access to Browson Bank, and following the existing A66 alignment for a distance of 675 metres in a generally easterly direction;

(b) then departing from the existing alignment of the A66, to run generally parallel with the north side of the existing A66 for a distance of 1.4 km in a generally easterly direction;

(c) continuing in a generally north-easterly direction, passing under the C12 Collier Lane via a new underbridge 50 metres to the north of the existing junction of the A66 with Collier Lane, then continuing in an easterly direction, to a point 250 metres to the north of the existing A66, at Fox Grove, before curving back in a south-easterly direction;

(d) continuing in a south-easterly direction through the new Mains Gill Junction, then crossing the existing Moor Lane road at a point 135 metres to the north of the existing junction of the A66 with Moor Lane, and then continuing in a south-easterly direction to cross the existing A66 at a point 328 metres to the east of Mainsgill Bridge;

(e) then continuing in an easterly-direction and re-joining the existing alignment of the A66, at a point 287 metres to the west of the existing junction of the A66 with the C108 Warrener Lane;

(f) continuing on the existing alignment of the A66 in an easterly direction for a distance of 1.1 km, to a point 775 metres to the east of the existing junction of the A66 with the C108 Warrener Lane,

identified by a red line on the classification of roads plan for scheme 09.

A66 westbound merge slip road

89. A 240 metre length of new slip road to be constructed and classified as part of the A66 all-purpose dual carriageway commencing from a point 205 metres to the east of the existing junction of the A66 with Brownson Bank and continuing in a south-easterly direction for a distance of 240

metres until it meets the existing A66 (from which point the existing A66 is to be reclassified as the C108), identified by a red line on the classification of roads plan for scheme 09.

THE EXISTING A66 AND WARRENER LANE LINK ROAD
In the administrative area of the North Yorkshire Council

C108 Warrener Lane

90. A 4.5 km length of new road to be constructed and existing A66 (as identified in sub-paragraphs (a) to (c) below) to be reclassified as part of the C108 Warrener Lane Road (such length also including existing highway to be improved, as identified in sub-paragraphs (a) and (c) below)—

(a) a 450-metre length of the existing A66 to be reclassified as the C108 Warrener Lane, commencing from with the point at which it meets the new A66 westbound merge slip road (onto the new A66 dual carriageway) and continuing in an easterly direction to a point 175 metres to the west of the existing junction of the A66 with the U1084 Dick Scot Lane;

(b) departing southwards from the existing alignment of the A66 road and continuing for a distance of 990 metres before re-joining the existing A66 at a point 205 metres to the west of the existing junction of the A66 with the C12 Collier Lane;

(c) then continuing on the alignment of the existing A66 through the new Mains Gill Junction for a distance of 1.6 km and terminating at a point 89 metres to the east of the Mainsgill Bridge;

(d) a 1.1 km length of new road to be constructed and to be classified as the C108 Warrener Lane, commencing from a point 89 metres to the east of the Mainsgill Bridge, then continuing in a generally south-easterly direction to the south of the existing A66, until connecting to the existing C108 Warrener Lane at the access to Pond Dale Farm,

identified by a cyan line on the classification of roads plan for scheme 09.

Realigned C12 Collier Lane

91. A ~~190~~149 metre length of new road to be constructed and classified as the C12 Collier Lane, to carry the carriageway over the new A66, commencing from ~~a point 12 metres south of~~ the existing Collier Lane junction with the A66 and continuing in a north-easterly direction to tie in with the existing Collier Lane, identified by a pink line on the classification of road plans for scheme 09.

Commented [PM17]: Amendments to paragraph 91 are related to **Proposed Change 1 - Collier Lane**.

MAINS GILL JUNCTION

Eastbound A66 compact connector road

92. A 480 metre length of new road to be classified as the new A66, commencing from the eastbound carriageway of the new A66, continuing first in a northerly direction, then in an easterly direction, and then in a southerly direction and crossing the new A66 via a new overbridge (comprising part of the new Mains Gill Junction), before terminating at its junction with the existing A66 (to be de-trunked and reclassified as the C108), identified by a red line on the classification of roads plans for scheme 09.

Westbound A66 compact connector road

93. A 255 metre length of new road to be classified as the new A66, commencing from the westbound carriageway of the new A66, continuing in a southerly direction, then in an easterly direction before terminating at its junction with the new A66 eastbound compact connector road, identified by a red line on the classification of roads plans for scheme 09.

Moor Lane link road

94. A 192 metre length of new road to be unclassified, commencing from its junction with the new eastbound compact connector road at, at a point 50 metres to the north of the new overbridge carrying the eastbound connector road over the A66 at the new Mains Gill Junction, and continuing in a generally north-easterly direction to connect into the existing Moor Lane at a point 317 metres to the north of the exiting junction of the A66 with Moor Lane, identified by a black line on the classification of roads plans for scheme 09.

ROADS TO BE DE-TRUNKED
In the administrative area of the North Yorkshire Council

A66 Trunk Road ~~(west)~~

95. A length of approximately ~~1.1~~3.5 km of the existing A66 trunk road, commencing from a point on the existing A66 trunk road 375 metres to the east of the existing access to Browson Bank, identified as point A on sheet 1 of the de-trunking plans for scheme 09, and continuing in an easterly direction to a point on the existing A66 trunk road, ~~66~~150 metres to the east of the ~~access to Old Dunsa Bank~~Mainsgill Bridge, identified as point ~~B~~D on sheet ~~2~~3 of the de-trunking plans for scheme 09.

Commented [PM18]: Amendments to paragraph 95 are related to **Proposed Change 1 - Collier Lane.**

~~**A66 Trunk Road (east)**~~

~~**96.** A length of approximately 1.9 km of the existing A66 trunk road, commencing from a point on the A66 trunk road 25 metres to the west of the existing junction of Collier Lane with the A66, identified as point C on sheet 2 of the de trunking plans for scheme 09, and continuing in an easterly direction to a point on the existing A66 trunk road, 150 metres to the east of the Mainsgill Bridge, identified as point D on sheet 3 of the de trunking plans for scheme 09.~~

Commented [PM19]: Deletion of paragraph 96 is related to **Proposed Change 1 - Collier Lane.**

SCHEDULE 8

Article 42

TRAFFIC REGULATION MEASURES ETC.

Note 1: Where roads are to become subject to the national speed limit as indicated in the tables headed "speed limits" in this Schedule and as shown on the plans relating to this Schedule (the traffic regulation measures (speed limits) plans), speed limits are to apply in accordance with the applicable national speed limit for such roads in accordance with the provisions of the 1984 Act and which are indicated in parenthesis for information only and such speed limits are not effected by article 42(1)(a) of this Order.

Note 2: Where existing speed limits (to be retained) are shown on the traffic regulation measures (speed limits) plans which relate to this Schedule, this is for information only and such speed limits are not subject to the power contained in article 42(1) of this Order.

PART 1

SCHEME 0102 – M6 J40 TO KEMPLAY BANK

SPEED LIMITS

(1) *Area*	*(2)* *Road name number and length*	*(3)* *Speed limit*
Scheme 0102 – The traffic regulation measures (speed limits) plans – sheet 1		
In the administrative area of Westmorland and Furness Council and the parish of Penrith	Improved length of existing A66 trunk road (dual carriageway) From a point 380 metres south-west of the M6 J40 roundabout in a north-easterly direction to where the A66 meets the M6 J40 roundabout.	50 miles per hour
	Improved existing circulatory carriageway of the M6 J40 roundabout.	National speed limit (30 miles per hour)
	Improved M6 southbound diverge slip road A length from its diverge point on the southbound carriageway of the M6 for a distance of 115 metres in a south-easterly direction along its approach to the M6 J40 roundabout.	National speed limit (70 miles per hour)
	Improved M6 southbound merge slip road A length from its merge point on the southbound carriageway of the M6 for a distance of 200 metres in a north-westerly direction along its approach to the M6 J40 roundabout.	National speed limit (70 miles per hour)
	Improved M6 northbound diverge slip road A length from its diverge point on the northbound carriageway of the M6 for a	National speed limit (70 miles per hour)

	distance of 227 metres in a north-westerly direction along its approach to the M6 J40 roundabout.	
	Improved M6 northbound merge slip road A length from its merge point on the northbound carriageway of the M6 for a distance of 150 metres in a south easterly direction along its approach to the M6 J40 roundabout.	National speed limit (70 miles per hour)
	Improved A592 From the point where the A592 meets the M6 J40 roundabout for a distance of 112 metres in a north-westerly direction, to a point 80 metres west of the North Lakes Hotel & Spa.	National speed limit (30 miles per hour)
	New improved A592 From a point 112 metres to the northwest of the M6 J40 roundabout for a distance of 164 metres in a north-westerly direction to a point 230 metres northwest of the North Lakes Hotel & Spa.	National speed limit (30 miles per hour)
	New (realigned) A66 trunk road From the point where the A66 connects with the eastern side of the M6 J40 roundabout, for a distance of 180 metres in an easterly direction to a point 125 metres north of Skirsgill Depot.	National speed limit (30 miles per hour)
	New (realigned) A66 trunk road From a point where the A66 connects with the western side of the M6 J40 roundabout, for a distance of 71 metres in a westerly direction.	National speed limit (30 miles per hour)
Scheme 0102 – The traffic regulation measures (speed limits) plans – sheets 1 and 2		
In the administrative area of Westmorland and Furness Council and the parish of Penrith	New (realigned) A66 trunk road From a point 164 metres to the east of the junction of the A66 with the circulatory carriageway of the M6 J40, in a generally north-easterly direction for a distance of 1.6km, to a point 235 metres to the north-east of the existing Police Station.	50 miles per hour
Scheme 0102 – The traffic regulation measures (speed limits) plans – sheet 2		
In the administrative area of Westmorland and Furness Council and the parish of Penrith	Improved circulatory carriageway of the Kemplay Bank Roundabout and a length of the approaches of the A66, the A6 and the A686 to the circulatory carriageway of the Kemplay Bank Roundabout.	National speed limit (30 miles per hour)

	New (realigned) A66 trunk road eastbound diverge slip road to the Kemplay Bank Roundabout A length from its diverge point on the eastbound carriageway of the A66 for a distance of 247 metres in a north-easterly direction along its approach to the Kemplay Bank Roundabout.	50 miles per hour
	New (realigned) A66 trunk road eastbound merge slip road from the Kemplay Bank Roundabout A length from its merge point on the eastbound carriageway of the A66 for a distance of 380 metres in a westerly direction along its approach to the Kemplay Bank Roundabout.	50 miles per hour
	New (realigned) A66 trunk road westbound diverge slip road for the Kemplay Bank Roundabout A length from its diverge point on the westbound carriageway of the A66 for a distance of 345 metres in a south-westerly direction along its approach to the Kemplay Bank Roundabout.	50 miles per hour
	New (realigned) A66 trunk road westbound merge slip road from the Kemplay Bank Roundabout A length from its merge point on the westbound carriageway of the A66 for a distance of 292 metres in a north-easterly direction along its approach to the Kemplay Bank Roundabout.	50 miles per hour
	New (realigned) A6 From the point where the A6 meets the north side of the Kemplay Bank Roundabout, for a distance of 40 metres in a north-westerly direction to a point 72 metres south west of the Hospital.	National speed limit (30 miles per hour)
	New (realigned) A6 From a point 85 metres north of the point where the A6 meets the Kemplay Bank Roundabout, north-westwards for a distance of 44 metres.	30 miles per hour
	New (realigned) A6 From the point where the A6 meets the south side of the Kemplay Bank Roundabout, to a point 65 metres south of this.	National speed limit (30 miles per hour)
	New (realigned) A6	30 miles per hour

	From a point 82 metres south of the point where the A6 meets the Kemplay Bank Roundabout, southwards for a distance of 24 metres.	
	New (realigned) A686 From the point where the A686 joins the Kemplay Bank Roundabout for a distance of 95 metres in a north-easterly direction.	National speed limit (30 miles per hour)
	New (realigned) A686 From a point 95 metres north-east of where the A686 joins the Kemplay Bank Roundabout for a distance of 125 metres in a north-easterly direction.	40 miles per hour

TRAFFIC REGULATION MEASURES (CLEARWAYS AND PROHIBITIONS)

(1) *Area*	*(2)* *Road name number and length*	*(3)* *Measures*
Scheme 0102 – The traffic regulation measures (clearways and prohibitions) plans – sheet 1		
In the administrative area of Westmorland and Furness Council and the parish of Penrith	Improved length of existing A66 trunk road (dual carriageway) From a point 380 metres south-west of the M6 J40 roundabout in a north-easterly direction to the point where the A66 meets the M6 J40 roundabout.	Clearway (to include verges, hard shoulders and slip roads; and to exclude laybys)
	Improved circulatory carriageway of the M6 J40 roundabout.	Clearway (to include verges, hard shoulders and slip roads; and to exclude laybys)
	Improved M6 southbound diverge slip road From its junction with the M6 J40 roundabout for a distance of 225 metres in a north-westerly direction.	Clearway (to include verges, hard shoulders and slip roads; and to exclude laybys)
	Improved M6 southbound merge slip road From its junction with the M6 J40 roundabout for a distance of 260 metres in a south-easterly direction.	Clearway (to include verges, hard shoulders and slip roads; and to exclude laybys)
	Improved M6 northbound diverge slip road From its junction with the M6 J40 roundabout for a distance of 285 metres in a south-easterly direction.	Clearway (to include verges, hard shoulders and slip roads; and to exclude laybys)
	Improved M6 northbound merge slip road	Clearway (to include verges, hard shoulders and

	From its junction with the M6 J40 roundabout for a distance of 185 metres in a north-westerly direction.	slip roads; and to exclude laybys)
	Improved A592 From the point where the A592 meets the M6 J40 roundabout to a point 112 metres north-west of this.	Clearway (to include verges, hard shoulders and slip roads; and to exclude laybys)
Scheme 0102 – The traffic regulation measures (clearways and prohibitions) plans – sheets 1 to 2		
In the administrative area of Westmorland and Furness Council and the parish of Penrith	New (realigned) A66 trunk road From the point where the A66 connects with the eastern side of the M6 J40 roundabout for a distance of 1.7km in an easterly direction.	Clearway (to include verges, hard shoulders and slip roads; and to exclude laybys)
Scheme 0102 – The traffic regulation measures (clearways and prohibitions) plans – sheet 2		
In the administrative area of Westmorland and Furness Council and the parish of Penrith	Improved circulatory carriageway of the Kemplay Bank Roundabout and merge and diverge lane approaches from the A66.	Clearway (to include verges, hard shoulders and slip roads; and to exclude laybys)
	New (realigned) A66 trunk road eastbound diverge slip road to the Kemplay Bank Roundabout From a point 373 metres south-west of the centre point of the Kemplay Bank Roundabout for a distance of 320 metres in a generally north-easterly direction.	Clearway (to include verges, hard shoulders and slip roads; and to exclude laybys)
	New (realigned) A66 trunk road eastbound merge slip road from the Kemplay Bank Roundabout From a point 60 metres north-east of the centre point of the Kemplay Bank Roundabout for a distance of 418 metres in a generally north-easterly direction.	Clearway (to include verges, hard shoulders and slip roads; and to exclude laybys)
	New (realigned) A66 trunk road westbound diverge slip road to the Kemplay Bank Roundabout From a point 75 metres east of the centre point of the Kemplay Bank Roundabout for a distance of 403 metres in a generally north-easterly direction.	Clearway (to include verges, hard shoulders and slip roads; and to exclude laybys)
	New (realigned) A66 trunk road westbound merge slip road from the Kemplay Bank Roundabout From a point 70 metres south-west of the centre point of the Kemplay Bank Roundabout for a distance of 330 metres in a generally south-westerly direction.	Clearway (to include verges, hard shoulders and slip roads; and to exclude laybys)
	New (realigned) A6	Clearway (to include verges,

	From the point where the A6 meets the north side of the Kemplay Bank Roundabout, northwards for a distance of 85 metres.	hard shoulders and slip roads; and to exclude laybys)
	New (realigned) A6 From the point where the A6 meets the south side of the Kemplay Bank Roundabout. Southwards for a distance of 82 metres.	Clearway (to include verges, hard shoulders and slip roads; and to exclude laybys)
	New (realigned) A686 From the point where the A686 joins the Kemplay Bank Roundabout for a distance of 155 metres in a north-easterly direction.	Clearway (to include verges, hard shoulders and slip roads; and to exclude laybys)

PART 2

SCHEME 03 – PENRITH TO TEMPLE SOWERBY

SPEED LIMITS

(1) *Area*	*(2)* *Road name number and length*	*(3)* *Speed limit*
Scheme 03 – The traffic regulation measures (speed limits) plans – sheets 1 to 4		
In the administrative area of Westmorland and Furness Council	New A66 (dual carriageway) trunk road From a point beginning 115 metres to the south-east of the centre of Brougham Castle Bridge for a distance of 5.2 km to a point 430 metres to the west of the existing junction on the westbound carriageway at Temple Sowerby.	National speed limit (70 miles per hour)
Scheme 03 – The traffic regulation measures (speed limits) plans – sheet 1		
In the administrative area of Westmorland and Furness Council	New (realigned) B6262 From a point beginning 490 metres to the east of Brougham Castle for a distance of 130 metres in a south-westerly direction.	National speed limit (60 miles per hour)
Scheme 03 – The traffic regulation measures (speed limits) plans – sheet 2		
In the administrative area of Westmorland and Furness Council	New access road for access to byway (BOAT 311/013) From a point beginning 200 metres to the north of the centre Whinfell Park, for a distance of 125 metres in a north-easterly direction.	National speed limit (60 miles per hour)
Scheme 03 – The traffic regulation measures (speed limits) plans – sheet 3		
In the administrative area of Westmorland and Furness Council	New Junction at Center Parcs The new connector road from the eastbound carriageway of the new A66,	National speed limit (60 miles per hour)

	crossing over the A66 (on a bridge) to connect to the realigned side road to Center Parcs on the south side of the A66.	
	New side road (Link from New Junction at Center Parcs to existing Roman Road) From a point 117 metres north-east of the new junction at Center Parcs on the north side of the A66 for a distance of 253 metres in a generally easterly direction.	National speed limit (60 miles per hour)
	Realigned side road (A66 to Center Parcs) From the westbound carriageway of the A66 at the new junction at Center Parcs, southwards towards the existing access to Center Parcs, for a distance of 125 metres.	National speed limit (60 miles per hour)

TRAFFIC REGULATION MEASURES (CLEARWAYS AND PROHIBITIONS)

(1) *Area*	*(2)* *Road name number and length*	*(3)* *Measures*
Scheme 03 – The traffic regulation measures (clearways and prohibitions) plans – sheets 1 to 4		
In the administrative area of Westmorland and Furness Council	New A66 (dual carriageway) trunk road From a point beginning 115 metres to the south-east of the centre of Brougham Castle Bridge for a distance of 5.2 km to a point 430 metres to the west of the existing junction on the westbound carriageway at Temple Sowerby.	Clearway (to include verges, hard shoulders and slip roads; and to exclude laybys)
Scheme 03 – The traffic regulation measures (clearways and prohibitions) plans – sheet 3		
In the administrative area of Westmorland and Furness Council	New Junction at Center Parcs The new connector road from the eastbound carriageway of the new A66, crossing over the A66 (on a bridge) to connect to the realigned side road to Center Parcs on the south side of the A66.	Clearway (to include verges, hard shoulders and slip roads; and to exclude laybys)
	New side road (Link from New Junction at Center Parcs to existing Roman Road) From a point 117 metres north-east of the new junction at Center Parcs on the north side of the A66 for a distance of 253 metres in a generally easterly direction.	Clearway (to include verges, hard shoulders and slip roads; and to exclude laybys)
	Realigned side road (A66 to Center Parcs)	Clearway (to include verges,

	From the westbound carriageway of the A66 at the new junction at Center Parcs, southwards towards the existing access to Center Parcs, for a distance of 125 metres.	hard shoulders and slip roads; and to exclude laybys)

PART 3

SCHEME 0405 – TEMPLE SOWERBY TO APPLEBY

SPEED LIMITS

(1) *Area*	*(2)* *Road name number and length*	*(3)* *Speed limit*
Scheme 0405 – The traffic regulation measures (speed limits) plans – sheets 1 to 7		
In the administrative area of Westmorland and Furness Council, Temple Sowerby Parish, Kirkby Thore Parish, Crackenthorpe Parish, Long Marton Parish and Appleby in Westmorland Parish	New A66 eastbound carriageway The full 8.2 km length of the new A66 eastbound carriageway commencing from a point on the existing A66, 300 metres to the east of the existing Spitals Underpass and continuing in a generally south-easterly direction for a distance of 8.2 km, to a point 45 metres to the east of the existing Railway bridge.	National speed limit (70 miles per hour)
	New A66 westbound carriageway The full 8.2 km length of the new A66 westbound carriageway from a point on the existing A66, 300 metres to the east of the existing Spitals Farm Underpass and continuing in a generally south-easterly direction for a distance of 8.2 km, to a point 45 metres to the east of the existing Railway bridge.	National speed limit (70 miles per hour)
Scheme 0405 – The traffic regulation measures (speed limits) plans – sheets 2 and 4		
In the administrative area of Westmorland and Furness Council, Kirkby Thore Parish, Crackenthorpe Parish	Existing A66 carriageway (to be de-trunked) A 315 metre length of existing road, from a point 110 metres to the south-east of the access to Eden View, and continuing in a generally south-easterly direction (on the existing alignment of the A66) for a distance of 315 metres, to a point 29 metres to the east of its existing junction with Piper Lane.	National speed limit (60 miles per hour)
	Existing A66 carriageway (to be de-trunked) A 683 metre length of existing road from a point 29 metres south-east of its existing junction with Piper Lane, to a point 50 metres south-east of the	30 miles per hour

	eastern-most access to the filling station.	
	Existing A66 carriageway (to be de-trunked) A 217 metre length of existing road from a point 50 metres south-east of the eastern-most access to the filling station to a point 36 metres south-east of the existing access into Old Station Yard.	National speed limit (60 miles per hour)
Scheme 0405 – The traffic regulation measures (speed limits) plans – sheet 1		
In the administrative area of Westmorland and Furness Council, Temple Sowerby Parish, Kirkby Thore Parish	New B6542 A 1.1 km length of new road from its junction with the existing Morland Road, continuing in an easterly direction for a distance of 1.1 km, to a point 58 metres to the west of the entrance to Low Moor Caravan Park.	National speed limit (60 miles per hour)
In the administrative area of Westmorland and Furness Council, Temple Sowerby Parish	New C3057 (south) A 154 metre length of improved road commencing at a point 317 metres south of the point where it passes beneath the existing A66 and continuing in a generally northerly direction for a distance of 154 metres.	National speed limit (60 miles per hour)
	New C3057 (north) A 69 metre length of improved road commencing at the existing Morland Road Underpass and continuing in a generally southerly direction for a distance of 69 metres.	National speed limit (60 miles per hour)
	Temple Sowerby Westbound Connector Road A 65 metre length of improved road from its junction with the existing Morland Road, continuing in a generally westerly direction for a distance of 65 metres.	National speed limit (60 miles per hour)
Scheme 0405 – The traffic regulation measures (speed limits) plans – sheets 1 and 2		
In the administrative area of Westmorland and Furness Council, Kirkby Thore Parish	New (realigned) Cross Street A 721 metre length of new road, commencing from a point 213 metres to the south of the entrance to Halefield Farm, and continuing in a generally south-easterly direction to its junction with the existing Priest Lane.	30 miles per hour
	New Priest Lane A 720 metre length of new road, commencing at a point 1.2 km to the east of the existing junction of Priest Lane with the existing Roman Road,	National speed limit (60 miles per hour)

	and continuing in a generally easterly direction for a distance of 720 metres to its junction with the realigned Cross Street.	
Scheme 0405 – The traffic regulation measures (speed limits) plans – sheets 2 and 3		
In the administrative area of Westmorland and Furness Council, Kirkby Thore Parish	Kirkby Thore Junction eastbound compact connector road A 178 metre length of new compact connector road, commencing from the eastbound carriageway of the new A66 and continuing in a north-easterly direction to its junction with the existing Fell Lane C3065.	National speed limit (60 miles per hour)
	Kirkby Thore Junction westbound compact connector road A 218 metre length of new compact connector road commencing from its junction with the westbound carriageway of the new A66 and continuing in a south-easterly direction to its junction with the new Fell Lane C3065.	National speed limit (60 miles per hour)
	New C3065 – Fell Lane A 482 metre length of new road commencing at a point 76 metres to the south-west of the existing access into the industrial estate, continuing in a north-easterly direction following the alignment of the existing road.	30 miles per hour
	New C3065 – realigned Main Street A 608 metre length of new road, commencing from its junction with the realigned Fell Lane, continuing in south-easterly direction for a distance of 608 metres to a point 105 metres to the north of the existing access to Green Barn.	30 miles per hour
In the administrative area of Westmorland and Furness Council, Kirkby Thore Parish	Existing Main Street A 242 metre length of existing road, from a point 87 metres to the east of the existing junction of Fell Lane with Main Street and continuing on its existing alignment for a distance of 242 metres.	30 miles per hour
Scheme 0405 – The traffic regulation measures (speed limits) plans – sheets 3 and 4		
In the administrative area of Westmorland and Furness Council, Kirkby Thore Parish	Existing and realigned Sleastonhow Lane A 1.2 km length of existing road and new road, from a point on the existing Sleastonhow Lane, 25 metres to the south of its junction with Main Street,	30 miles per hour

	continuing on the existing alignment of Sleastonhow Lane for a distance of 225 metres, then continuing in a south-easterly direction on its new alignment, and passing over the new A66 trunk road via the new Sleastonhow Lane bridge, and reconnecting with the existing alignment of Sleastonhow Lane at a point 954 metres to the south of its junction with Main Street, then continuing for a distance of 235 metres to the end of the existing (adopted) road.	
Scheme 0405 – The traffic regulation measures (speed limits) plans – sheet 5		
In the administrative area of Westmorland and Furness Council, Kirkby Thore, Long Marton Parish	Realigned Long Marton A 1.15 km length of new road, from a point 85 metres to the west of the junction of the existing Long Marton Road with Footpath 341/003, in a generally south-westerly direction for a distance of 1.15 km, until its junction with the existing A66.	National speed limit (60 miles per hour)
	Long Marton Junction eastbound compact connector road A 220 metre length of new compact connector road, commencing from the eastbound carriageway of the new A66 and continuing in a north-westerly direction to its junction with the new C3063.	National speed limit (60 miles per hour)
	Long Marton Junction westbound compact connector road A 200 metre length of new compact connector road, commencing from its junction with the westbound carriageway of the new A66 and continuing in a south-westerly direction to its junction with the new C3063.	National speed limit (60 miles per hour)
	Realigned Long Marton A 152 metre length of new road, commencing at its junction with the new C3063 and linking into the alignment of the existing Long Marton (Road).	National speed limit (60 miles per hour)
	Existing A66 A 246 metre length of existing road, commencing 317 metres to the west of its junction with the existing Long Marton Road, and continuing to a point 132 metres to the west of its junction with the new C3063.	National speed limit (60 miles per hour)
Scheme 0405 – The traffic regulation measures (speed limits) plans – sheets 6 and 7		
In the administrative area of	New B6542	National speed limit

Westmorland and Furness Council, Crackenthorpe Parish, Appleby in Westmorland Parish	A 1.1 km length of new road, commencing at a distance of 134 metres to the east of its junction with the access road leading to Roger Head Farm, continuing for a distance of 1.02 km on the alignment of the existing B6542 road, to a point 277 metres to the west of the junction of the existing B6542 road with the existing Long Marton Road.	(60 miles per hour)

TRAFFIC REGULATION MEASURES (CLEARWAYS AND PROHIBITIONS)

(1) *Area*	*(2)* *Road name number and length*	*(3)* *Measures*
Scheme 0405 – The traffic regulation measures (clearways and prohibitions) plans – sheets 1 to 7		
In the administrative area of Westmorland and Furness Council, Temple Sowerby Parish, Kirkby Thore Parish, Crackenthorpe Parish, Long Marton Parish and Appleby in Westmorland Parish	New A66 eastbound carriageway The full 8.2 km length of the new A66 eastbound carriageway commencing from a point on the existing A66, 300 metres to the east of the existing Spitals Underpass and continuing in a generally south-easterly direction for a distance of 8.2 km, to a point 45 metres to the east of the existing railway bridge.	Clearway (to include verges, hard shoulders and slip roads; and to exclude laybys)
	New A66 westbound carriageway The full 8.2 km length of the new A66 westbound carriageway from a point on the existing A66, 300 metres to the east of the existing Spitals Underpass and continuing in a generally south-easterly direction for a distance of 8.2 km, to a point 45 metres to the east of the existing railway bridge.	Clearway (to include verges, hard shoulders and slip roads; and to exclude laybys)
Scheme 0405 – The traffic regulation measures (clearways and prohibitions) plans – sheets 2 and 3		
In the administrative area of Westmorland and Furness Council, Temple Sowerby Parish, Kirkby Thore Parish, Crackenthorpe Parish, Long Marton Parish and Appleby in Westmorland Parish	Kirkby Thore Junction eastbound compact connector road A 178 metre length of new compact connector road, commencing from the eastbound carriageway of the new A66 and continuing in a north-easterly direction to its junction with the existing Fell Lane.	Clearway (to include verges, hard shoulders and slip roads; and to exclude laybys)
	Kirkby Thore Junction westbound compact connector road A 218 metre length of new compact connector road commencing from the westbound carriageway of the new A66 and continuing in a south-westerly direction to its junction with the new	Clearway (to include verges, hard shoulders and slip roads; and to exclude laybys)

	Fell Lane C3065.	
Scheme 0405 – The traffic regulation measures (clearways and prohibitions) plans – sheet 5		
In the administrative area of Westmorland and Furness Council, Crackenthorpe Parish, Long Marton Parish	Long Marton Junction eastbound compact connector road A 220 metre length of new compact connector road, commencing from the eastbound carriageway of the new A66 and continuing in a north-westerly direction to its junction with the realigned Long Marton.	Clearway (to include verges, hard shoulders and slip roads; and to exclude laybys)
	Long Marton Junction westbound compact connector road A 200 metre length of new compact connector road, commencing from its junction with the westbound carriageway of the new A66 and continuing in a south-westerly direction to its junction with the new C3063.	Clearway (to include verges, hard shoulders and slip roads; and to exclude laybys)

REVOCATIONS AND VARIATIONS OF EXISTING TRAFFIC REGULATION ORDERS

(1) *Area*	*(2)* *Road Name, number and length*	*(3)* *Order*	*(4)* *Revocations or Variations*
Scheme 0405 – The traffic regulation measures (clearways and prohibitions) plans – sheet 1			
In the administrative area of Westmorland and Furness Council, Temple Sowerby Parish, Kirkby Thore Parish	The existing A66 Trunk Road The existing A66 eastbound and westbound from the point where the existing Morland Road passes beneath the existing A66 and terminating 66 metres east of the Spitals Farm Underpass.	The A66 Trunk Road (Cumbria County Council) Appleby Bypass (24 hours clearway) Order 2003-145	Order to be partially revoked between the points stated in column (2) as shown on sheet 1 by a red dashed line
	The existing A66 Trunk Road Temple Sowerby westbound connector road from its junction with the existing A66 to its junction with the existing Morland Road.	The A66 Trunk Road (Cumbria County Council) Appleby Bypass (24 hours clearway) Order 2003-145	Order to be partially revoked between the points stated in column (2) as shown on sheet 1 by a red dashed line
Scheme 0405 – The traffic regulation measures (clearways and prohibitions) plans – sheet 7			
In the administrative area of Westmorland and Furness Council, Crackenthorpe Parish, Long Marton Parish and Appleby in	The existing A66 Trunk Road The existing A66 eastbound carriageway commencing at a point	The A66 Trunk Road (Cumbria County Council) Appleby Bypass (24 hours clearway) Order 2003-145	Order to be partially revoked between the points stated in column (2) as shown on sheet 7 by a red dashed line

Westmorland Parish	347 metres to the east of the existing access leading to Roger Head Farm and terminating 51 metres to the east of the existing railway bridge.		
	The existing A66 Trunk Road The existing A66 westbound carriageway commencing 347 metres to the east of the existing access leading to Roger Head Farm and terminating 51 metres to the east of the existing railway bridge.	The A66 Trunk Road (Cumbria County Council) Appleby Bypass (24 hours clearway) Order 2003-145	Order to be partially revoked between the points stated in column (2) as shown on sheet 7 by a red dashed line

PART 4

SCHEME 06 – APPLEBY TO BROUGH

SPEED LIMITS

(1) *Area*	*(2)* *Road name number and length*	*(3)* *Speed limit*
Scheme 06 – The traffic regulation measures (speed limits) plans – sheets 1 to 6		
In the administrative area of Westmorland and Furness Council, Parish of Warcop, Parish of Musgrave, Parish of Brough and Parish of Helbeck	New A66 eastbound carriageway The full 8.2 km length of the new and improved A66 eastbound carriageway commencing from a point on the existing A66, 202 metres to the west of Café Sixty Six and continuing in a generally south-easterly direction for a distance of 8 km to a point 385 metres to the west of the Musgrave Lane Overbridge at Brough.	National speed limit (70 miles per hour)
	New A66 westbound carriageway The full 8.2 km length of the new and improved A66 westbound carriageway commencing from a point on the existing A66, 202 metres to the west of Café Sixty Six and continuing in a generally south-easterly direction for a distance of 8 km to a point 385 metres to the west of the Musgrave Lane Overbridge at Brough.	National speed limit (70 miles per hour)
Scheme 06 – The traffic regulation measures (speed limits) plans – sheet 2		
In the administrative area of Westmorland and Furness Council, and Parish of Warcop	New Sandford Junction Link Road A length of new highway from its	National speed limit (60 miles per hour)

	diverge point on the new A66 eastbound carriageway, in a north-westerly, south-westerly and then an easterly direction passing under the new A66 to its connection with the new realigned B6259 for a distance of 504 metres.	
In the administrative area of Westmorland and Furness Council, and Parish of Warcop	The new realigned B6259 A length of new highway from a point 32 metres to the east of the existing B6259, to the north of Sandford, and extending in a generally southerly direction to a point 224 metres to the south of the existing junction of the B6259 and the A66, for a distance of 224 metres.	National speed limit (60 miles per hour)
Scheme 06 – The traffic regulation measures (speed limits) plans – sheet 3		
In the administrative area of Westmorland and Furness Council, and Parish of Warcop	New Warcop Eastbound Junction A length of new highway from its diverge point on the new A66 eastbound carriageway, in a north-easterly direction to its merge point on the old A66 (new and improved C3077) 107 metres to the west of Hayber Lane, for a distance of 237 metres.	50 miles per hour
	De-trunked A66 A 890 metre length of the existing A66 from a point 280 metres to the west of its junction with the existing Moorhouse Lane, to a point 110 metres to the west of its junction with Hayber Lane.	30 miles per hour
Scheme 06 – The traffic regulation measures (speed limits) plans – sheets 3 and 4		
In the administrative area of Westmorland and Furness Council, and Parish of Warcop and Parish of Musgrave	De-trunked A66 (new and improved C3077) A length of new highway from a point 156 metres to the east of the junction of Hayber Lane with the existing A66, following the alignment of the existing A66 for a distance of 1.3 km in a generally south-easterly direction to a point 635 metres to the west of the junction of the existing A66 with Flitholme Road.	50 miles per hour
Scheme 06 – The traffic regulation measures (speed limits) plans – sheets 3 and 4		
In the administrative area of Westmorland and Furness Council, and Parish of Warcop	New Warcop Westbound Junction A length of new highway from its diverge point on the new A66 westbound carriageway 90 metres to the west of the existing road to Warcop, and continuing in a south-westerly, easterly and then north-easterly and easterly	National speed limit (60 miles per hour)

	direction over the new A66 to its connection with the new local road on the north side of the new A66, for a distance of 663 metres.	
Scheme 06 – The traffic regulation measures (speed limits) plans – sheets 4 and 5		
In the administrative area of Westmorland and Furness Council, Parish of Warcop and Parish of Musgrave	De-trunked A66 (new and improved) C3077 A length of new highway from a point 635 metres to the west of the junction of the existing A66 with Flitholme Road, following the alignment of the existing A66 for a distance of 985 metres in a generally easterly direction to a point 350 metres to the east of the junction of the existing A66 with Flitholme Road.	30 miles per hour
Scheme 06 – The traffic regulation measures (speed limits) plans – sheet 5		
In the administrative area of Westmorland and Furness Council, Parish of Warcop and Parish of Musgrave	Flitholme to Langrigg Link (U1066/02) A length of new highway commencing from a point 145 metres to the north-east of the Low Gill Beck near Flitholme village and continuing for a distance of 666 metres in a generally easterly direction to connect with the existing Langrigg Lane.	30 miles per hour
	Realigned Flitholme Road A length of new highway commencing from its junction with the new Flitholme to Langrigg Link (U1066/02) and continuing for a distance of 126 metres in a generally north-easterly direction to its junction with the de-trunked A66.	30 miles per hour
Scheme 06 – The traffic regulation measures (speed limits) plans – sheet 6		
In the administrative area of Westmorland and Furness Council, Parish of Musgrave, Parish of Brough and Parish of Helbeck	Existing A66 Trunk Road (new and improved C3077) A length of new highway from a point 686 metres to the east of the new overbridge at West View Farm, following the alignment of the existing A66 for a distance of 1.1 km in a generally easterly direction to a point 270 metres to the east of the junction of the existing A66 with Main Street.	50 miles per hour

TRAFFIC REGULATION MEASURES (CLEARWAYS AND PROHIBITIONS)

(1) *Area*	*(2)* *Road name number and length*	*(3)* *Measures*
Scheme 06 – The traffic regulation measures (clearways and prohibitions) plans – sheets 1 to 6		
In the administrative area of Westmorland and Furness Council, Parish of Warcop, Parish of Musgrave, Parish of	New A66 eastbound carriageway The full 8.2 km length of the new and improved A66 eastbound carriageway	Clearway (to include verges, hard shoulders and slip roads; and to

Brough and Parish of Helbeck	commencing from a point on the existing A66, 202 metres to the west of Café Sixty Six and continuing in a generally south-easterly direction for a distance of 8 km to a point 385 metres to the west of the Musgrave Lane Overbridge at Brough.	exclude laybys)
	New A66 westbound carriageway The full 8.2 km length of the new and improved A66 westbound carriageway commencing from a point on the existing A66, 202 metres to the west of Café Sixty Six and continuing in a generally south-easterly direction for a distance of 8 km to a point 385 metres to the west of the Musgrave Lane Overbridge at Brough.	Clearway (to include verges, hard shoulders and slip roads; and to exclude laybys)
Scheme 06 – The traffic regulation measures (clearways and prohibitions) plans – sheet 2		
In the administrative area of Westmorland and Furness Council and Parish of Warcop	New Sandford Junction Link Road A length of new highway from its diverge point on the new A66 eastbound carriageway, in a north-westerly, south-westerly and then an easterly direction passing under the new A66 to its connection with the new realigned B6259 for a distance of 504 metres.	Clearway (to include verges, hard shoulders and slip roads; and to exclude laybys)
Scheme 06 – The traffic regulation measures (clearways and prohibitions) plans – sheets 3 and 4		
In the administrative area of Westmorland and Furness Council and Parish of Warcop	New Warcop Westbound Junction A length of new highway from its diverge point on the new A66 westbound carriageway 90 metres to the west of the existing road to Warcop, and continuing in a south-westerly, easterly and then north-easterly and easterly direction over the new A66 to its connection with the new local road on the north side of the new A66, for a distance of 663 metres.	Clearway (to include verges, hard shoulders and slip roads; and to exclude laybys)

REVOCATIONS AND VARIATIONS OF EXISTING TRAFFIC REGULATION ORDERS

(1) *Area*	*(2)* *Road Name, number and length*	*(3)* *Order*	*(4)* *Revocations or Variations*
Scheme 06 – The traffic regulation measures (clearways and prohibitions) plans – sheet 1			
In the administrative area of Westmorland and Furness Council, and Parish of Warcop	Existing A66 trunk road From a point on the existing A66 202 metres to the north-west of Café Sixty Six, in a generally south-easterly direction to a point 308 metres to the	(Order 2003/45) Road Traffic The A66 Trunk Road (Appleby Bypass) (24 hour clearway and prohibition of waiting) Order 2003	Parts 1, 2, 3 and 4 of Order to be partially revoked between the points stated in column (2) as shown on sheet 1 by a red dashed line

	west of Café Sixty Six.	Made 22/01/2003 Coming into force 25 January 2003	

PART 5

SCHEME 07 – BOWES BYPASS

SPEED LIMITS

(1) *Area*	*(2)* *Road name number and length*	*(3)* *Speed limit*
Scheme 07 – The traffic regulation measures (speed limits) plans – sheets 1 to 3		
In the administrative area of Durham County Council	New A66 eastbound carriageway For a length of approximately 3.6 km, from a point approximately 550 metres to the west of the existing Clint Lane Overbridge, along the existing and new A66 eastbound dual carriageway, to a point approximately 363 metres east of the access to Hulands Quarry.	National speed limit (70 miles per hour)
	New A66 westbound carriageway For a length of approximately 3.6 km, from a point approximately 550 metres to the west of the existing Clint Lane Overbridge, along the existing and new A66 westbound dual carriageway, to a point approximately 363 metres east of the access to Hulands Quarry.	National speed limit (70 miles per hour)
Scheme 07 – The traffic regulation measures (speed limits) plans – sheet 2		
In the administrative area of Durham County Council	New A66 eastbound diverge slip road connecting to the A67 A length from its diverge point on the eastbound carriageway of the improved A66, for a distance of 427 metres in a north-easterly direction along its approach to the A67.	National speed limit (70 miles per hour)
	New A66 eastbound merge slip road from the A67 A length from its merge point on the eastbound carriageway of the improved A66 for a distance of 452 metres in a north-westerly direction along its approach to the A67.	National speed limit (70 miles per hour)
	New A66 westbound diverge slip road connecting to the A67 A length from its diverge point on the westbound carriageway of the improved A66 for a distance of 540 metres in a	National speed limit (70 miles per hour)

	generally westerly direction along its approach to the A67.	
	A66 westbound merge slip road from the A67 A length from its merge point on the westbound carriageway of the improved A66 for a distance of 280 metres in a generally easterly direction along its approach to the A67.	National speed limit (70 miles per hour)
	A67 A length of the existing A67 to be widened to facilitate a right turn lane, from the existing A66 overbridge for a distance of 209 metres in a generally northerly direction along the A67.	National speed limit (60 miles per hour)
Scheme 07 – The traffic regulation measures (speed limits) plans – sheet 3		
In the administrative area of Durham County Council	Improved side road – "The Street" A 733 metre length of new unclassified side road, commencing 420 metres to the west of the existing junction of "The Street" with the improved A66 and continuing in an easterly direction for approximately 340 metres, then turning and continuing in a generally northerly direction and crossing the A66 via the East Bowes Accommodation Overbridge, then curving eastwards and southwards before terminating at the new private means of access to Low Broats Farm and High Broats Farm, on the eastern side of the existing Low Broats Farm property.	National speed limit (60 miles per hour)

TRAFFIC REGULATION MEASURES (CLEARWAYS AND PROHIBITIONS)

(1) *Area*	*(2)* *Road name number and length*	*(3)* *Measures*
Scheme 07 – The traffic regulation measures (clearways and prohibitions) plans – sheets 1 to 3		
In the administrative area of Durham County Council	New A66 eastbound carriageway For a length of approximately 3.6 km, from a point approximately 550 metres to the west of the existing Clint Lane Overbridge, along the existing and new A66 eastbound dual carriageway, to a point approximately 363 metres east of the access to Hulands Quarry.	Clearway (to include verges, hard shoulders and slip roads; and to exclude laybys)
	New A66 westbound carriageway For a length of approximately 3.6 km, from a point approximately 550 metres to the west of the existing Clint Lane Overbridge, along the existing and new	Clearway (to include verges, hard shoulders and slip roads; and to exclude laybys)

	A66 westbound dual carriageway, to a point approximately 363 metres east of the access to Hulands Quarry.	
Scheme 07 – The traffic regulation measures (clearways and prohibitions) plans – sheet 2		
In the administrative area of Durham County Council	New A66 eastbound diverge slip road connecting to the A67 A length from its diverge point on the eastbound carriageway of the improved A66, for a distance of 427 metres in a north-easterly direction along its approach to the A67.	Clearway (to include verges, hard shoulders and slip roads; and to exclude laybys)
	New A66 eastbound merge slip road from the A67 A length from its merge point on the eastbound carriageway of the improved A66 for a distance of 452 metres in a north-westerly direction along its approach to the A67.	Clearway (to include verges, hard shoulders and slip roads; and to exclude laybys)
	New A66 westbound diverge slip road connecting to the A67 A length from its diverge point on the westbound carriageway of the improved A66 for a distance of 540 metres in a generally westerly direction along its approach to the A67.	Clearway (to include verges, hard shoulders and slip roads; and to exclude laybys)
	A66 westbound merge slip road from the A67 A length from its merge point on the westbound carriageway of the improved A66 for a distance of 280 metres in a generally easterly direction along its approach to the A67.	Clearway (to include verges, hard shoulders and slip roads; and to exclude laybys)

PART 6

SCHEME 08 – CROSS LANES TO ROKEBY

SPEED LIMITS

(1) *Area*	*(2)* *Road name number and length*	*(3)* *Speed limit*
Scheme 08 – The traffic regulation measures (speed limits) plans – sheets 1 to 3		
In the administrative area of Durham County Council	New A66 eastbound carriageway The full length of the new A66 eastbound carriageway commencing from a point on the existing A66, 325 metres to the west of the existing junction of the A66 with Rutherford Lane, in a generally easterly direction for 4.5 km to a point 620 metres south-	National speed limit (70 miles per hour)

	east of the existing junction of the A66 with the C165 Barnard Castle Road.	
	New A66 westbound carriageway The full length of the new A66 westbound carriageway commencing from a point on the existing A66, 325 metres to the west of the existing junction of the A66 with Rutherford Lane, in a generally easterly direction for 4.5 km to a point 620 metres south-east of the existing junction of the A66 with the C165 Barnard Castle Road.	National speed limit (70 miles per hour)
Scheme 08 – The traffic regulation measures (speed limits) plans – sheet 1		
In the administrative area of Durham County Council	New A66 /B6277 eastbound connector road (Cross Lanes Junction) Full length of the new A66 eastbound carriageway compact connector road commencing from its intersection with the A66, curving in a northerly and then an easterly direction, and connecting to the new B6277 Moorhouse Lane.	National speed limit (60 miles per hour)
	New A66 / B6277 westbound connector road (Cross Lanes Junction) Full length of the new A66 westbound carriageway compact connector road, commencing from its intersection with the A66 and continuing in a southerly direction to connect with the new B6277 Moorhouse Lane.	National speed limit (60 miles per hour)
	New realigned B6277 Moorhouse Lane connecting to Rutherford Lane A 1.1 km length of new carriageway commencing 70 metres to the south-west of its junction with the realigned Rutherford Lane, at a point 240 metres south of the existing junction of the A66 with Rutherford Lane; continuing in a north-easterly direction and re-joining the existing B6277 Moorhouse Lane, at a point 410 metres north of the existing junction of the A66 with the B6277 Moorhouse Lane.	National speed limit (60 miles per hour)
	New realigned Moorhouse Lane connection to realigned B6277 Moorhouse Lane (north) A 170 metre length of new road, commencing from its junction with the new B6277 Moorhouse Lane at a point 235 metres north of the existing junction of the A66 with the B6277 Moorhouse Lane and continuing in a southerly	National speed limit (60 miles per hour)

	direction for a distance of 170 metres.	
	Realigned Rutherford Lane A 78 metre length of new road, commencing from its junction with the new B6277 Moorhouse Lane link road, 225 metres south of the existing junction of the A66 with Rutherford Lane, and continuing in a northerly direction before connecting into the existing Rutherford Lane.	National speed limit (60 miles per hour)
	Realigned Moorhouse Lane (south) A 332 metre length of new road, commencing from its junction with the new B6277 Moorhouse Lane link road and continuing eastwards, passing to the north of the Cross Lanes Organic Farm Shop and Café before curving southwards to connect to the existing Moorhouse Lane (south).	National speed limit (60 miles per hour)
Scheme 08 – The traffic regulation measures (speed limits) plans – sheets 2 and 3		
In the administrative area of Durham County Council	New A66 (Rokeby) westbound compact connector road and length of existing reclassified A66 (now C165) Full length of the new A66 westbound compact connector road and its link to a length of the former A66 (reclassified as the C165). Commencing at its intersection with the new A66 and continuing in a southerly direction, then connecting with the new C165 Barnard Castle Road. Then continuing northwards under the new A66 via a new underbridge, then curving in an easterly direction to join the existing alignment of the A66 and continuing eastwards to the existing junction of the A66 with the C165 Barnard Castle Road.	National speed limit (60 miles per hour)
	New A66 (Rokeby) eastbound diverge slip road connecting to reclassified A66 (C165) Full length of the new A66 eastbound diverge slip road connecting to the existing A66 (now C165 Barnard Castle Road); commencing at its intersection with the new A66 and continuing in a generally northerly direction until connecting to the existing A66 (now C165 Barnard Castle Road).	National speed limit (60 miles per hour)
Scheme 08 – The traffic regulation measures (speed limits) plans – sheet 3		
In the administrative area of Durham County Council	New C165 Barnard Castle Road roundabout	National speed limit (60 miles per hour)

	Full circulatory carriageway of the new C165 Barnard Castle Road roundabout situated at the existing junction of the A66 with the C165 Barnard Castle Road.	
	C165 Barnard Castle Road Length of the existing C165 Barnard Castle Road commencing 160 metres to the north of the existing junction of the A66 with the C165 and continuing southwards to form a junction with the new roundabout.	National speed limit (60 miles per hour)
	New A66 eastbound merge slip road from existing A66 (now C165 Barnard Castle Road) Length of new carriageway commencing at the new roundabout (located at the existing junction of the A66 with the C165 Barnard Castle Road) and continuing in a south-easterly direction until connecting to the new A66.	National speed limit (70 miles per hour)

TRAFFIC REGULATION MEASURES (CLEARWAYS AND PROHIBITIONS)

(1) *Area*	*(2)* *Road name number and length*	*(3)* *Measures*
Scheme 08 – The traffic regulation measures (clearways and prohibitions) plans – sheets 1 to 3		
In the administrative area of Durham County Council	New A66 eastbound carriageway For a length of 4.5 km, from a point 325 metres to the west of the existing junction of Rutherford Lane with the A66, continuing along the existing and new A66 westbound dual carriageway, to a point 620 metres south-east of the existing junction of the C165 Barnard Castle Road with the A66.	Clearway (to include verges, hard shoulders and slip roads; and to exclude laybys)
	New A66 westbound carriageway For a length of 4.5 km, from a point 325 metres to the west of the existing junction of Rutherford Lane with the A66, continuing along the existing and new A66 westbound dual carriageway, to a point 620 metres south-east of the existing junction of the C165 Barnard Castle Road with the A66.	Clearway (to include verges, hard shoulders and slip roads; and to exclude laybys)
Scheme 08 – The traffic regulation measures (clearways and prohibitions) plans – sheet 1		
In the administrative area of Durham County Council	New A66 / B6277 eastbound connector road (Cross Lanes Junction) A length from its diverge point on the	Clearway (to include verges, hard shoulders and slip roads; and to

	A66, curving in a northerly and then an easterly direction for a distance of 427 metres, and connecting to the new B6277 Moorhouse Lane.	exclude laybys)
	New A66 / B6277 westbound connector road (Cross Lanes Junction) A length from its diverge point on the A66, continuing in a southerly direction until connecting with the new B6277 Moorhouse Lane.	Clearway (to include verges, hard shoulders and slip roads; and to exclude laybys)
Scheme 08 – The traffic regulation measures (clearways and prohibitions) plans – sheet 2		
In the administrative area of Durham County Council	New A66 (Rokeby) westbound compact connector road and length of existing reclassified A66 (now C165) A 1.3 km length of the new A66 westbound compact connector road and existing A66 (now C165), from its diverge point on the westbound carriageway of the A66, 948 metres southwest of the existing A66 junction with the C165 Barnard Castle Road, continuing in a southerly direction, connecting with the new C165 Barnard Castle Road. Then continuing northwards under the new A66 via a new underbridge, then curving in an easterly direction to join the existing alignment of the A66 and continuing eastwards to the existing junction of the A66 with the C165 Barnard Castle Road.	Clearway (to include verges, hard shoulders and slip roads; and to exclude laybys)
	New A66 (Rokeby) eastbound diverge slip road connecting to reclassified A66 (C165) A 90 metre length from its diverge point on the A66 eastbound diverge slip road, commencing at its intersection with the new A66, 130 metres south-east of the existing A66 access to Rokeby Grange, and continuing in a generally northerly direction, until connecting to the existing A66 (now C165 Barnard Castle Road).	Clearway (to include verges, hard shoulders and slip roads; and to exclude laybys)

PART 7

SCHEME 09 – STEPHEN BANK TO CARKIN MOOR

SPEED LIMITS

(1) *Area*	*(2)* *Road name number and length*	*(3)* *Speed limit*
Scheme 09 – The traffic regulation measures (speed limits) plans – sheets 1 to 4		

In the administrative area of the North Yorkshire Council	New A66 eastbound carriageway The full length of the new A66 eastbound carriageway commencing from a point on the existing A66, 674 metres to the west of the existing junction of the A66 with the access to Browson Bank, and continuing in a generally easterly direction for a distance of 6.2 km to a point 775 metres to the east of the existing junction of the A66 with Warrener Lane.	National speed limit (70 miles per hour)
	New A66 westbound carriageway The full length of the new A66 westbound carriageway commencing from a point on the existing A66, 674 metres to the west of the existing junction of the A66 with the access to Browson Bank and continuing in a generally easterly direction for 6.2 km to a point 775 metres to the east of the existing junction of the A66 with Warrener Lane.	National speed limit (70 miles per hour)
Scheme 09 – The traffic regulation measures (speed limits) plans – sheet 1		
In the administrative area of the North Yorkshire Council	New A66 westbound merge slip road A length of new carriageway connecting the existing A66 to the westbound carriageway of the new A66, from a point 205 metres to the east of the existing junction of the A66 with the access to Browson Bank and continuing in an easterly direction for 240 metres.	National speed limit (70 miles per hour)
	A length of new realigned carriageway connecting the new A66 merge slip road to the de-trunked A66 (C108) A length of new carriageway connecting the new A66 westbound merge slip road to the de-trunked A66 (now C108), from a point 445 metres to the east of the existing junction of the A66 with the access to Browson Bank and continuing in an easterly direction for 326 metres.	50 miles per hour
Scheme 09 – The traffic regulation measures (speed limits) plans – sheet 2		
In the administrative area of the North Yorkshire Council	New realigned carriageway on the de-trunked A66 A length of new realigned carriageway commencing 300 metres to the west of the existing junction of the A66 with Old Dunsa Bank, continuing in an easterly direction for 993 metres to the existing junction of the A66 with the access to Ravensworth Lodge.	50 miles per hour

	Collier Lane overbridge A length of the new realigned Collier Lane from a point ~~174~~149 metres to the north of the existing junction of the A66 with Collier Lane, in a generally south-westerly direction for a distance of ~~190~~149 metres until it meets the new realigned length of the de-trunked A66.	50 miles per hour
Scheme 09 – The traffic regulation measures (speed limits) plans – sheet 2		
In the administrative area of the North Yorkshire Council	Mains Gill Junction Eastbound compact connector road A length of new carriageway forming part of the new Mains Gill Junction. Commencing from the new A66 eastbound carriageway, continuing first in a northerly direction, then in an easterly direction, and then in a southerly direction and crossing over the new A66 via a new overbridge (comprising part of the new Mains Gill Junction) before connecting with the existing A66, at a point 178 metres to the west of the existing junction of the A66 with Moor Lane.	National speed limit (60 miles per hour)
	Mains Gill Junction westbound compact connector road A 225-metre length of new carriageway forming part of the new Mains Gill Junction. Commencing from the new A66 westbound carriageway, continuing in a southerly direction and then in an easterly direction, before terminating at its junction with the new eastbound compact connector road.	National speed limit (60 miles per hour)
	Moor Lane link road A 192-metre length of new road commencing from its junction with the A66 eastbound compact connector road, at a point 50 metres north of the new overbridge carrying the eastbound connector road over the A66 (at the new Mains Gill Junction) then continuing in a generally north-easterly direction to connect into the existing Moor Lane at a point 317 metres to the north of the exiting junction of the A66 with Moor Lane.	National speed limit (60 miles per hour)
Scheme 09 – The traffic regulation measures (speed limits) plans – sheets 3 and 4		
In the administrative area of the North Yorkshire Council	A length of new carriageway on the alignment of the de-trunked A66, connecting to Warrener Lane	50 miles per hour

Commented [PM20]: Amendments to Collier Lane overbridge description are related to **Proposed Change 1 - Collier Lane**.

	A 1.7 km length of new carriageway commencing from a point 370 metres to the west of the existing junction of the A66 with Moor Lane, continuing in an easterly direction and then departing southwards from the existing A66 alignment to connect with Warrener Lane.	

TRAFFIC REGULATION MEASURES (CLEARWAYS AND PROHIBITIONS)

(1) *Area*	*(2)* *Road name number and length*	*(3)* *Measures*
Scheme 09 – The traffic regulation measures (clearways and prohibitions) plans – sheets 1 to 4		
In the administrative area of the North Yorkshire Council	New A66 eastbound carriageway The full length of the new A66 eastbound carriageway commencing from a point on the existing A66, 674 metres to the west of the existing junction of the A66 with the access to Browson Bank and continuing in a generally easterly direction for a distance of 6.2 km to a point 775 metres to the east of the existing junction of the A66 with Warrener Lane.	Clearway (to include verges, hard shoulders and slip roads; and to exclude laybys)
	New A66 westbound carriageway The full length of the new A66 westbound carriageway commencing from a point on the existing A66, 674 metres to the west of the existing junction of the A66 with the access to Browson Bank and continuing in a generally easterly direction for 6.2 km to a point 775 metres to the east of the existing junction of the A66 with Warrener Lane.	Clearway (to include verges, hard shoulders and slip roads; and to exclude laybys)
Scheme 09 – The traffic regulation measures (clearways and prohibitions) plans – sheet 2		
In the administrative area of North Yorkshire Council	New Local Road C108 (on the alignment of the de-trunked A66) and Waitlands Lane From the eastbound carriageway of the new local road C108 into Waitlands Lane, at the junction of the new local road C108 with Waitlands Lane.	Prohibition of entry (no right turn)
Scheme 09 – The traffic regulation measures (clearways and prohibitions) plans – sheet 3		
In the administrative area of the North Yorkshire Council	Mains Gill Junction eastbound connector road A 480-metre length of new road, commencing from the eastbound carriageway of the new A66, continuing first in a northerly direction, then in an easterly direction, and then in a	Clearway (to include verges, hard shoulders and slip roads; and to exclude laybys)

	southerly direction and crossing the new A66 via a new overbridge (comprising part of the new Mains Gill Junction), before terminating at its junction with the existing A66, 178 metres west of the existing A66 junction with Moor Lane.	
	Mains Gill Junction westbound connector road A 255-metre length of new road, commencing from the westbound carriageway of the new A66, continuing in a southerly direction, then in an easterly direction before terminating at its junction with the new A66 eastbound compact connector road.	Clearway (to include verges, hard shoulders and slip roads; and to exclude laybys)

REVOCATIONS AND VARIATIONS OF EXISTING TRAFFIC REGULATION ORDERS

(1) *Area*	*(2)* *Road Name, number and length*	*(3)* *Order*	*(4)* *Revocations or Variations*
Scheme 09 – The traffic regulation measures plans (clearways and prohibitions) – sheets 1 to 3			
In the administrative area of the North Yorkshire Council	Junction of Waitlands Lane with the existing A66 trunk road At the intersection of Waitlands Lane and the existing A66 trunk road, prohibition on right turn movements into Waitlands Lane from the eastbound carriageway of the existing A66 trunk road	The A66 Trunk Road (Waitlands Lane, Ravensworth) (Prohibition of Right Turns) Order 2004	Order to be revoked. Location of the revocation is as stated in column (2) and as shown on sheet 2 by the blue squared symbol

SCHEDULE 9

Articles 31 and 48

PROTECTIVE PROVISIONS

PART 1

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

1.—(1) The provisions of this Part of this Schedule have effect for the protection of utility undertakers unless otherwise identified in another Part of this Schedule or agreed in writing between the undertaker and the utility undertaker in question.

(2) Subject to sub-paragraph (3) or to the extent otherwise agreed in writing between the undertaker and the utility undertaker concerned, where the benefit of this Order is transferred or granted to another person under article 44 (consent to transfer benefit of Order), any agreement of the type mentioned in sub-paragraph (1) has effect as if it had been made between the utility undertaker concerned and the transferee or grantee (as the case may be).

(3) Sub-paragraph (2) does not apply where the benefit of the Order is transferred or granted to the utility undertaker concerned (but see paragraph 11(3)(b)).

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 a utility undertaker within paragraph (a) of the definition of that term, electric lines or electrical plant (as defined in the Electricity Act 1989(**a**)), belonging to or maintained by the utility undertaker for the purposes of electricity supply;

(b) in the case of a utility undertaker within paragraph (b) of the definition of that term, any mains, pipes or other apparatus belonging to or maintained by the utility undertaker for the purposes of gas supply;

(c) in the case of a utility undertaker within paragraph (c) of the definition of that term—

(i) mains, pipes or other apparatus belonging to or maintained by the utility undertaker for the purposes of water supply; and

(ii) mains, pipes or other apparatus that is the subject of an agreement to adopt made under section 51A (agreements to adopt water main or service pipe at future date) of the Water Industry Act 1991(**b**); and

(d) in the case of a sewerage undertaker—

(i) any drain or works vested in the sewerage undertaker under the Water Industry Act 1991; and

(ii) any sewer which is so vested or is the subject of a notice of intention to adopt given under section 102(4)(**c**) (adoption of sewers and disposal works) of that Act or an

(**a**) 1989 c. 29. The definition of "electrical plant" (in section 64) was amended by paragraphs 24 and 38(1) and (3) of Schedule 6 to the Utilities Act 2000 (c. 27).
(**b**) 1991 c. 56. Section 51A was inserted by section 92(1) of the Water Act 2003 (c. 37) and amended by section 10(1) and (2) of the Water Act 2014 (c. 21).
(**c**) Section 102(4) was amended by section 96(1)(c) of the Water Act 2003 and paragraph 90 of Schedule 7 to the Water Act 2014.

agreement to adopt made under section 104(**a**) (agreements to adopt sewer, drain or sewage disposal works, at a future date) of that Act,

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

"functions" includes powers and duties;

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

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

"utility undertaker" means—

(a) any licence holder within the meaning of Part 1 (electricity supply) of the Electricity Act 1989;

(b) a gas transporter within the meaning of Part 1 (gas supply) of the Gas Act 1986(**b**);

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

(d) a sewerage undertaker within the meaning of the Water Industry Act 1991,

for the area of the authorised development, and in relation to any apparatus, means the utility undertaker to whom it belongs or by whom it is maintained.

On street apparatus

3. This Part of this Schedule does not apply to apparatus in respect of which the relations between the undertaker and the utility undertaker are regulated by Part 3 (street works in England and Wales) of the 1991 Act.

Apparatus in closed streets

4.—(1) Regardless of the temporary closure, alteration or diversion of streets under the powers conferred by article 11 (temporary prohibition, restriction or regulation of use or alteration or diversion of streets), a utility undertaker is at liberty at all times to take all necessary access across any such street and to carry out and do all such works and things in, upon or under any such street as may be reasonably necessary or desirable to enable it to maintain any apparatus which at the time of the temporary closure, alteration or diversion was in that street.

(2) Where any street is stopped up under article 10 (permanent stopping up 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 6 or to carry out works under paragraph 8.

(**a**) Section 104 was amended by sections 96(4) and 101(2) of, and Part 3 of Schedule 9 to, the Water Act 2003, by section 42(3) of the Flood and Water Management Act 2010 (c. 29) and by section 11(1) and (2) of, and paragraphs 2 and 91 of Schedule 7 to, the Water Act 2014.

(**b**) 1986 c. 44. A new section 7 was substituted by section 5 of the Gas Act 1995 (c. 45) and was further amended by section 76 of the Utilities Act 2000 (c. 27).

Protective works to buildings

5. The undertaker, in the case of the powers conferred by article 14 (protective works to buildings), must exercise those powers so as not to obstruct or render less convenient the access to any apparatus.

Acquisition of land

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

Removal of apparatus

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

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

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

(4) Any alternative apparatus to be constructed in land of the undertaker under this Part of this Schedule must be constructed in such manner and in such line or situation as may be agreed between the utility undertaker in question and the undertaker or in default of agreement settled by arbitration in accordance with article 51 (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 51 (arbitration), and after the grant to the utility undertaker of any such facilities and rights as are referred to in sub-paragraph (2) or (3), proceed without unnecessary delay to construct and bring into operation the alternative apparatus and subsequently to remove any apparatus required by the undertaker to be removed under the provisions of this Part of this Schedule.

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

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 must be granted upon such terms and conditions as may be agreed between the undertaker and the utility undertaker in question or in default of agreement settled by arbitration in accordance with article 51 (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 and description of the works to be executed.

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

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

(4) If a utility undertaker in accordance with sub-paragraph (3) and in consequence of the works proposed by the undertaker, reasonably requires the removal of any apparatus and gives written notice to the undertaker of that requirement, paragraphs 1 to 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, section and description.

(6) The undertaker is not required to comply with sub-paragraph (1) in a case of emergency, but in that case it must give to the utility undertaker in question notice as soon as is reasonably practicable and a plan of those works as soon as reasonably practicable subsequently and must comply with sub-paragraph (2) in so far as is reasonably practicable in the circumstances.

Expenses and costs

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

(2) The value of any apparatus removed under the provisions of this Part of this Schedule must be deducted from any sum payable under sub-paragraph (1), that value being calculated after removal.

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

(a) apparatus of better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions; or

(b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was situated,

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker or, in default of agreement, is not determined by arbitration in accordance with article 51 (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 of the works referred to in paragraph 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 unscheduled interruption in any service provided, or in the supply of any goods, by a utility undertaker, the undertaker must—

(a) bear and pay the cost reasonably incurred by that utility undertaker in making good such damage or restoring the supply; and

(b) make reasonable compensation to that utility undertaker for any other expenses, loss, damages, penalty or costs incurred by the utility undertaker,

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

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

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

(a) 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; or

(b) any part of the authorised development carried out by a utility undertaker in the exercise of any functions conferred by this Order pursuant to a transfer or grant under article 44 (consent to transfer benefit of Order).

(4) The utility undertaker must at all times take reasonable steps to prevent and mitigate any such expenses, loss, damage, penalty or costs.

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

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

PART 2

FOR THE PROTECTION OF OPERATORS OF ELECTRONIC COMMUNICATIONS CODE NETWORKS

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

(2) In this Part of this Schedule—

"the 2003 Act" means the Communications Act 2003;

"electronic communications apparatus" means the code set out in Schedule 3A (the electronic communications code) to the 2003 Act(**a**);

"electronic communications code networks" means—

(a) so much of an electronic communications network or infrastructure system provided by an electronic communications code operator as is not excluded from the application of the electronic communications code by a direction under section 106 (application of the electronic communications code) of the 2003 Act; and

(b) an electronic communications network which the undertaker is providing or proposing to provide;

"electronic communications code operator" means a person in whose case the electronic communications code is applied by a direction under section 106 of the 2003 Act;

"infrastructure system" has the same meaning as in the electronic communications code(**b**) and references to providing an infrastructure system are to be construed in accordance with paragraph 7 of that code; and

"operator" means the operator of an electronic communications code network.

15. The exercise of the powers of article 31 (statutory undertakers) is subject to Part 10 (undertakers' works affecting electronic communications apparatus) of the electronic communications code.

16.—(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**) Section 106 was amended by section 4(3) to (9) of the Digital Economy Act 2017 (c. 30).
(**b**) The electronic communications code was inserted by Schedule 1 to the Digital Economy Act 2017.

(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 unscheduled interruption in the supply of the service provided by an operator,

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

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

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

(4) Any difference arising between the undertaker and the operator under this Part of this Schedule must be referred to and settled by arbitration under article 51 (arbitration).

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

(a) any apparatus in respect of which the relations between the undertaker and an operator are regulated by the provisions of Part 3 (street works in England and Wales) of the 1991 Act; or

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

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

PART 3

FOR THE PROTECTION OF NATIONAL GRID ELECTRICITY TRANSMISSION PLC AS ELECTRICITY UNDERTAKER

Application

19.—(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 44 (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 29(3)(b)).

Interpretation

20. In this Part of this Schedule—

"1991 Act" means the New Roads and Street Works Act 1991;

"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 electric lines or electrical plant as defined in the Electricity Act 1989, belonging to or maintained by National Grid 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) (interpretation) 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 paragraphs 27 and 29 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" includes 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 Electricity Transmission Plc or any successor as a licence holder within the meaning of Part 1 of the Electricity Act 1989;

"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; and

"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 25(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 25(2) or otherwise.

21. Except for paragraphs 22 (apparatus of National Grid in stopped up streets), 27 (retained apparatus: protection of electricity undertaker), 28 (expenses) and 29 (indemnity) of this Part 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 Part 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 closed streets

22.—(1) Where any street is stopped up under article 10 (permanent stopping up of streets 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 25 or the power of the undertaker, subject to compliance with this sub-paragraph, to carry out works under paragraph 27.

(2) Notwithstanding the temporary closure or diversion of any highway under the powers of article 11 (temporary prohibition, restriction or regulation of use or alteration or diversion of streets), National Grid is at liberty at all times to take all necessary access across any such closed 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 closure or diversion was in that highway.

Protective works to buildings

23. The undertaker must exercise the powers conferred by article 14 (protective works 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

24.—(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 27 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

25.—(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-paragraphs (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 26(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 in an endeavour 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

26.—(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 sub-paragraph (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 33 (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 electricity undertaker

27.—(1) Not less than 56 days before the commencement of any specified works the undertaker must submit to National Grid a plan of the works to be executed and seek from National Grid details of the underground extent of their electricity tower foundations.

(2) In relation to works which will or may be situated on, over, under or within (i) 15 metres measured in any direction of any apparatus, or (ii) involve embankment works within 15 metres of any apparatus, 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 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;

(d) the position of all apparatus;

(e) by way of detailed drawings, every alteration proposed to be made to or close to any such apparatus;

(f) any intended maintenance regimes; and

(g) an assessment of risks of rise of earth issues.

(3) In relation to any works which will or may be situated on, over, under or within 10 metres of any part of the foundations of an electricity tower or between any two or more electricity towers, the plan to be submitted under sub-paragraph (1) must, in addition to the matters set out in sub-paragraph (2), include a method statement describing—

(a) details of any cable trench design including route, dimensions, clearance to pylon foundations;

(b) demonstration that pylon foundations will not be affected prior to, during and post construction;

(c) details of load bearing capacities of trenches;

(d) details of any cable installation methodology including access arrangements, jointing bays and backfill methodology;

(e) a written management plan for high voltage hazard during construction and ongoing maintenance of any cable route;

(f) written details of the operations and maintenance regime for any cable, including frequency and method of access;

(g) assessment of earth rise potential if reasonably required by National Grid's engineers; and

(h) evidence that trench bearing capacity is to be designed to support overhead line construction traffic of up to 26 tonnes in weight.

(4) The undertaker must not commence any works to which sub-paragraph (2) or (3) apply until National Grid has given written approval of the plan so submitted.

(5) Any approval of National Grid required under sub-paragraph (4)—

(a) may be given subject to reasonable conditions for any purpose mentioned in sub-paragraph (6) or (8); and,

(b) must not be unreasonably withheld.

(6) In relation to any work to which sub-paragraph (2) or (3) apply, 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.

(7) Works executed under sub-paragraph (2) or (3) must be executed in accordance with the plan, submitted under sub-paragraph (1) or as relevant sub-paragraph (6), as approved or as amended from time to time by agreement between the undertaker and National Grid and in accordance with such reasonable requirements as may be made in accordance with sub-paragraph (6) or (8) 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.

(8) Where under sub-paragraph (6) National Grid requires any protective works to be carried out by itself or by the undertaker (whether of a temporary or permanent nature) such protective works, inclusive of any measures or schemes required and approved as part of the plan approved pursuant to this paragraph, must be carried out to 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 42 days of the date of submission of a plan pursuant to this paragraph (except in an emergency).

(9) If National Grid in accordance with sub-paragraph (6) or (8) 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 19 to 21 and 24 to 26 apply as if the removal of the apparatus had been required by the undertaker under paragraph 25(2).

(10) 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 apply to and in respect of the new plan.

(11) The undertaker will not be 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 (6), (7) and (8) 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

28.—(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 25(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 33 (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

29.—(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 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 (2) 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 44 (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

30. 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

31.—(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 25(2) or National Grid makes requirements for the protection or alteration of apparatus under paragraph 27, 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

32. If in consequence of the agreement reached in accordance with paragraph 24(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

33. Save for differences or disputes arising under paragraphs 25(2), 25(4) and 26(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 51 (arbitration).

Notices

34. Notwithstanding article 50 (service of notices), any plans submitted to National Grid by the undertaker pursuant to paragraph 27 must be sent to National Grid LSBUD at https://lsbud.co.uk/ or assetprotection@nationalgrid.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.

PART 4

FOR THE PROTECTION OF NATIONAL GAS TRANSMISSION PLC AS GAS UNDERTAKER

Application

35.—(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 44 (consent to transfer benefit of Order)—

(a) any agreement of the type mentioned in sub-paragraph (3) 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 45(3)(b)).

Interpretation

36. In this Part of this Schedule—

"1991 Act" means the New Roads and Street Works Act 1991;

"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) (interpretation) 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 43 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" includes 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 Gas Transmission 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; and

"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 41(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 41(2) or otherwise.

37. Except for paragraphs 38 (apparatus of National Grid in closed streets), 43 (retained apparatus: protection of gas undertaker), 44 (expenses) and 45 (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 closed streets

38.—(1) Where any street is stopped up under article 10 (permanent stopping up of streets 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 41 or the power of the undertaker, subject to compliance with this sub-paragraph, to carry out works under paragraph 43.

(2) Notwithstanding the temporary closure or diversion of any highway under the powers of article 11 (temporary prohibition, restriction or regulation of use or alteration or diversion of streets), National Grid is at liberty at all times to take all necessary access across any such closed 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 closure or diversion was in that highway.

Protective works to buildings

39. The undertaker must exercise the powers conferred by article 14 (protective works 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

40.—(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 43 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

41.—(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-paragraphs (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 42(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 in an endeavour 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

42.—(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 sub-paragraph (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 49 (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

43.—(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 works;

(b) the level at which these are proposed to be constructed or renewed;

(c) the manner of their construction or renewal including details of excavation, positioning of plant etc;

(d) the position of all apparatus;

(e) by way of detailed drawings, every alteration proposed to be made to or close to any such apparatus; and

(f) any intended maintenance regimes.

(3) The undertaker must not commence any specified works until 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-paragraph (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-paragraph (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 42 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-paragraph (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 41 and 42 apply as if the removal of the apparatus had been required by the undertaker under paragraph 41(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 44.

(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

44.—(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 41(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 49 (arbitration) to be necessary, then, if such placing involves cost in the construction of works under this Part of this Schedule exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to 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

45.—(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 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 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 44 (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

46. 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

47.—(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 41(2) or National Grid makes requirements for the protection or alteration of apparatus under paragraph 43, 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 Part of this Shedule, it must not be unreasonably withheld or delayed.

Access

48. If in consequence of the agreement reached in accordance with paragraph 40(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

49. Save for differences or disputes arising under paragraphs 41(2), 41(4) and 43(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 51 (arbitration).

Notices

50. Notwithstanding article 50 (service of notices), any plans submitted to National Grid by the undertaker pursuant to paragraph 43 must be sent to National Grid LSBUD at https://lsbud.co.uk/ or assetprotection@nationalgrid.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.

PART 5

FOR THE PROTECTION OF THE ENVIRONMENT AGENCY

51.—(1) The following provisions of this Part of this Schedule will apply for the protection of the Agency unless otherwise agreed in writing between the undertaker and the Agency.

(2) In this Part of this Schedule—

"the Agency" means the Environment Agency;

"construction" includes execution, placing, altering, replacing, relaying and removal and excavation and "construct" and "constructed" is construed accordingly;

"drainage work" means any main river and includes any land which provides or is expected to provide flood storage capacity for any main river and any bank, wall, embankment or other structure, or any appliance, constructed or used for land drainage or flood defence;

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

"main river" has the same meaning given in section 113(1) (interpretation of Part 4) of the Water Resources Act 1991(**a**);

"plans" includes sections, drawings, specifications, calculations and method statements;

"remote defence" means any berm, wall or embankment that is constructed for the purposes of preventing or alleviating flooding from, or in connection with, any main river;

"specified work" means so much of any work or operation authorised by this Order as is in, on, under, over or within—

(a) 8 metres of the base of a remote defence which is likely to—

(i) endanger the stability of, cause damage or reduce the effectiveness of that remote defence; or

(ii) interfere with the Agency's access to or along that remote defence;

(b) 8 metres of a drainage work or is otherwise likely to—

(i) affect any drainage work or the volumetric rate of flow of water in or flowing to or from any drainage work;

(ii) affect the flow, purity or quality of water in any watercourse or other surface waters;

(iii) cause obstruction to the free passage of fish or damage to any fishery;

(iv) affect the conservation, distribution or use of water resources; or

(v) affect the conservation value of the main river and habitats in its immediate vicinity;

or which involves—

(c) an activity that includes dredging, raising or taking of any sand, silt ballast, clay gravel or other materials from or off the bed or banks of a drainage work (or causing such materials to be dredged, raised or taken), including hydrodynamic dredging or desilting; and

(d) any quarrying or excavation within 16 metres of a drainage work which is likely to cause damage to or endanger the stability of the banks or structure of that drainage work;

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

Submission and approval of plans

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

(**a**) 1991 c. 57. The definition of "main river" was amended by section 59(3) of the Water Act 2014 (c. 21).

(2) Any such specified work must not be constructed except in accordance with such plans as may be approved in writing by the Agency, or determined under paragraph 62.

(3) Any approval of the Agency required under this paragraph—

(a) must not be unreasonably withheld or delayed;

(b) is deemed to have been refused if it is neither given nor refused within 2 months of the submission of the plans or receipt of further particulars if such particulars have been requested by the Agency for approval; and

(c) may be given subject to such reasonable requirements as the Agency may have for the protection of any drainage work or the fishery or for the protection of water resources, or for the prevention of flooding or pollution or for nature conservation or in the discharge of its environmental duties.

(4) The Agency must use its reasonable endeavours to respond to the submission of any plans before the expiration of the period mentioned in sub-paragraph (3)(b).

(5) In the case of a refusal, if requested to do so the Agency must provide reasons for the grounds of that refusal.

Construction of protective works

53. Without limiting paragraph 52 the requirements which the Agency may have under that paragraph may include conditions requiring the undertaker, at its own expense, to construct such protective works, whether temporary or permanent, before or during the construction of the specified works (including the provision of flood banks, walls or embankments or other new works and the strengthening, repair or renewal of existing banks, walls or embankments) as are reasonably necessary—

(a) to safeguard any drainage work against damage; or

(b) to secure that its efficiency for flood defence purposes is not impaired and that the risk of flooding is not otherwise increased,

by reason of any specified work.

Timing of works and service of notices

54.—(1) Subject to sub-paragraph (2), any specified work, and all protective works required by the Agency under paragraph 53, must be constructed—

(a) without unreasonable delay in accordance with the plans approved under this Part of this Schedule; and

(b) to the reasonable satisfaction of the Agency,

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

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

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

Works not in accordance with this Schedule

55.—(1) If any part of a specified work or any protective work required by the Agency is constructed otherwise than in accordance with the requirements of this Part of this Schedule, the Agency may by notice in writing require the undertaker at the undertaker's own expense to comply with the requirements of this Part of this Schedule or (if the undertaker so elects and the Agency in writing consents, such consent not to be unreasonably withheld or delayed) to remove,

alter or pull down the work and, where removal is required, to restore the site to its former condition to such extent and within such limits as the Agency reasonably requires.

(2) Subject to sub-paragraph (3) and paragraph 60, if, within a reasonable period, being not less than 28 days beginning with the date when a notice under sub-paragraph (1) is served upon the undertaker, the undertaker has failed to begin taking steps to comply with the requirements of the notice and has not subsequently made reasonably expeditious progress towards their implementation, the Agency may execute the works specified in the notice and any reasonable expenditure incurred by the Agency in so doing is recoverable from the undertaker.

(3) In the event of any dispute as to whether sub-paragraph (1) is properly applicable to any work in respect of which notice has been served under that sub-paragraph, or as to the reasonableness of any requirement of such a notice, the Agency must not, except in the case of an emergency, exercise the powers conferred by sub-paragraph (2) until the dispute has been finally determined in accordance with paragraph 62.

Maintenance of works

56.—(1) Subject to sub-paragraph (6) the undertaker must from the commencement of the construction of the specified works maintain in good repair and condition and free from obstruction any drainage work which is situated within the limits of deviation and on land held by the undertaker for the purposes of or in connection with the specified works, whether or not the drainage work is constructed under the powers conferred by this Order or is already in existence.

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

(3) Subject to sub-paragraph (5) and paragraph 60, if, within a reasonable period, being not less than 28 days beginning with the date on which a notice in respect of any drainage work is served under sub-paragraph (2) on the undertaker, the undertaker has failed to begin taking steps to comply with the requirements of the notice and has not subsequently made reasonably expeditious progress towards their implementation, the Agency may do what is necessary for such compliance and any reasonable expenditure incurred by the Agency in so doing is recoverable from the undertaker.

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

(5) In the event of any dispute as to the reasonableness of any requirement of a notice served under sub-paragraph (2), the Agency must not, except in the case of an emergency, exercise the powers conferred by sub-paragraph (3) until the dispute has been finally determined in accordance with paragraph 62.

(6) This paragraph does not apply to—

(a) drainage works which are vested in the Agency, or which the Agency or another person is liable to maintain and is not prevented by the exercise by the undertaker of the powers of the Order from doing so; and

(b) any obstruction of a drainage work expressly authorised in the approval of specified works plans and carried out in accordance with the provisions of this Part of this Schedule provided that any obstruction is removed as soon as reasonably practicable.

Remediating impaired drainage work

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

Agency access

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

Free passage of fish

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

(2) If by reason of—

(a) the construction of any specified work; or

(b) the failure of any such work,

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

(3) Subject to paragraph 60, if within such time as may be reasonably practicable for that purpose after the receipt of written notice from the Agency of any damage or expected damage to a fishery, the undertaker fails to take such steps as are described in sub-paragraph (2), the Agency may take those steps and any expenditure incurred by the Agency in so doing is recoverable from the undertaker.

(4) Subject to paragraph 60, in any case where immediate action by the Agency is reasonably required in order to secure that the risk of damage to the fishery is avoided or reduced, the Agency may take such steps as are reasonable for the purpose, and may recover from the undertaker any expenditure incurred in so doing provided that notice specifying those steps is served on the undertaker as soon as reasonably practicable after the Agency has taken, or commenced to take, the steps specified in the notice.

Indemnity

60. The undertaker is to indemnify the Agency in respect of all costs, charges and expenses which the Agency may incur—

(a) in the examination or approval of plans under this Part of this Schedule;

(b) in the inspection of the construction of the specified works or any protective works required by the Agency under this Part of this Schedule; and

(c) in the carrying out of any surveys or tests by the Agency which are reasonably required in connection with the construction of the specified works.

61.—(1) The undertaker is responsible for and indemnifies the Agency against all costs and losses not otherwise provided for in this Part of this Schedule which may be reasonably incurred or suffered by the Agency by reason of—

(a) the construction, operation or maintenance or failure during construction of any specified works comprised within the authorised development;

(b) the operation or maintenance of any specified works comprised within the authorised development or the failure of any such works; or

(c) any act or omission of the undertaker, its employees, contractors or agents or other persons acting under the direction of the undertaker whilst engaged upon—

(i) the construction, operation or maintenance of the specified works; or

(ii) in the case of those specified works that the undertaker is liable to maintain, dealing with any failure of those specified works.

(2) For the avoidance of doubt, in sub-paragraph (1)—

"costs" includes—

(a) expenses and charges;

(b) staff costs and overheads;

(c) legal costs;

"losses" includes physical damage.

(3) The undertaker indemnifies the Agency against all liabilities, claims and demands arising out of or in connection with the authorised development or otherwise out of the matters referred to in sub-paragraph (1).

(4) In sub-paragraph (3)—

"claims" and "demands" include as applicable—

(a) costs (within the meaning of sub-paragraph (2)) incurred in connection with any claim or demand;

(b) any interest element of sums claimed or demanded;

"liabilities" includes—

(a) contractual liabilities;

(b) tortious liabilities (including liabilities for negligence or nuisance);

(c) liabilities to pay statutory compensation or for breach of statutory duty;

(d) liabilities to pay statutory penalties imposed on the basis of strict liability (but does not include liabilities to pay other statutory penalties).

(5) The Agency must give to the undertaker reasonable notice of any such claim or demand and must not settle or compromise a claim without the agreement of the undertaker and that agreement must not be unreasonably withheld or delayed.

(6) The Agency must, at all times take reasonable steps to prevent and mitigate any such claims, demands, proceedings, costs, damages, expenses or loss.

(7) The fact that any work or thing has been executed or done by the undertaker in accordance with a plan approved by the Agency, or to its satisfaction, or in accordance with any directions or award of an arbitrator does not relieve the undertaker from any liability under the provisions of this Part of this Schedule.

(8) Nothing in this paragraph imposes any liability on the undertaker with respect to any costs, charges, expenses, damages, claims, liabilities, demands or losses to the extent that they are attributable to the neglect or default of the Agency, its officers, servants, contractors or agents.

Disputes

62. Any dispute arising between the undertaker and the Agency under this Part of this Schedule must, if the parties agree, be determined by arbitration under article 51 (arbitration).

PART 6

FOR THE PROTECTION OF NETWORK RAIL INFRASTRUCTURE LIMITED

63. The following provisions of this Part of this Schedule have effect, unless otherwise agreed in writing between the undertaker and Network Rail and, in the case of paragraph 77, any other person on whom rights or obligations are conferred by that paragraph.

64. In this Part of this Schedule—

"asset protection agreement" means an agreement to regulate the construction and maintenance of the specified work in a form prescribed from time to time by Network Rail;

"construction" includes execution, placing, alteration and reconstruction and "construct" and "constructed" have corresponding meanings;

"the engineer" means an engineer appointed by Network Rail for the purposes of this Order;

"network licence" means the network licence, as the same is amended from time to time, granted to Network Rail Infrastructure Limited by the Secretary of State in exercise of his powers under section 8 (licences) of the Railways Act 1993(**a**);

"Network Rail" means Network Rail Infrastructure Limited (company number 02904587, whose registered office is at 1 Eversholt Street, London NW1 2DN) and any associated company of Network Rail Infrastructure Limited which holds property for railway purposes, and for the purpose of this definition "associated company" means any company which is (within the meaning of section 1159 (meaning of "subsidiary" etc.) of the Companies Act 2006(**b**)) the holding company of Network Rail Infrastructure Limited, a subsidiary of Network Rail Infrastructure Limited or another subsidiary of the holding company of Network Rail Infrastructure Limited and any successor to Network Rail Infrastructure Limited's railway undertaking;

"plans" includes sections, designs, design data, software, drawings, specifications, soil reports, calculations, descriptions (including descriptions of methods of construction), staging proposals, programmes and details of the extent, timing and duration of any proposed occupation of railway property;

"railway operational procedures" means procedures specified under any access agreement (as defined in the Railways Act 1993) or station lease;

"railway property" means any railway belonging to Network Rail and—

(a) any station, land, works, apparatus and equipment belonging to Network Rail or connected with any such railway; and

(b) any easement or other property interest held or used by Network Rail or a tenant or licencee of Network Rail for the purposes of such railway or works, apparatus or equipment;

"regulatory consents" means any consent or approval required under—

(a) the Railways Act 1993;

(b) the network licence; and/or

(c) any other relevant statutory regulatory provisions,

by either the Office of Rail and Road or the Secretary of State for Transport or any other competent body including change procedures and any other consents, approvals of any other accessor beneficiary that may be required in relation to the authorised development any accessor beneficiary that may be required in relation to the authorised development; and

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(**a**) 1993 c. 43. Section 8 was amended by section 216 of, and Part I of Schedule 2, paragraph 4 of Schedule 17 and Part IV of Schedule 31 to, the Transport Act 2000 (c. 38), by section 16(5) of, and paragraph 5 of Schedule 2 to, the Railways and Transport Safety Act 2003 (c. 20), by sections 1 and 60 of, and paragraph 3 of Schedule 1 and Part 1 of Schedule 13 to, the Railways Act 2005 (c. 38), by S.I. 2015/1682 and by S.I. 2015/1682.

(**b**) 2006 c.46.

"specified work" means so much of any of the authorised development as is situated upon, across, under, over or within 15 metres of, or may in any way adversely affect, railway property and for the avoidance of doubt, includes the maintenance of such works under the powers conferred by article 5 (maintenance of the authorised development) in respect of such works.

65.—(1) Where under this Part of this Schedule Network Rail is required to give its consent or approval in respect of any matter, that consent or approval is subject to the condition that Network Rail complies with any relevant railway operational procedures and any obligations under its network licence or under statute.

(2) In so far as any specified work or the acquisition or use of railway property is or may be subject to railway operational procedures, Network Rail must—

(a) co-operate with the undertaker with a view to avoiding undue delay and securing conformity as between any plans approved by the engineer and requirements emanating from those procedures; and

(b) use their reasonable endeavours to avoid any conflict arising between the application of those procedures and the proper implementation of the authorised development pursuant to this Order.

66.—(1) The undertaker must not exercise the powers conferred by—

(a) article 13 (discharge of water);

(b) article 14 (protective works to buildings);

(c) article 15 (authority to survey and investigate land);

(d) article 17 (felling or lopping of trees and hedgerows);

(e) article 19 (compulsory acquisition of land);

(f) article 22 (compulsory acquisition of rights and restrictive covenants);

(g) article 23 (private rights over land);

(h) article 24 (power to override easements and other rights);

(i) article 27 (acquisition of subsoil, etc., only);

(j) article 28 (rights over or under streets);

(k) article 29 (temporary use of land for constructing the authorised development);

(l) article 30 (temporary use of land for maintaining the authorised development);

(m) article 31 (statutory undertakers);

(n) the powers conferred by section 11(3) (power of entry) of the 1965 Act;

(o) the powers conferred by section 203 (power to override easements and rights) of the Housing and Planning Act 2016(**a**);

(p) the powers conferred by section 172 (right to enter and survey land) of the Housing and Planning Act 2016; and

(q) any powers in respect of the temporary possession of land under the Neighbourhood Planning Act 2017(**b**),

in respect of any railway property unless the exercise of such powers is with the consent of Network Rail.

(2) The undertaker must not in the exercise of the powers conferred by this Order prevent pedestrian or vehicular access to any railway property, unless preventing such access is with the consent of Network Rail.

(3) The undertaker must not exercise the powers conferred by sections 271 (extinguishment of rights of statutory undertakers: preliminary notices) or 272(**c**) (extinguishment of rights of

(**a**) 2016 c. 22.
(**b**) 2017 c. 20.

electronic communication code network operators: preliminary notices) of the 1990 Act, or article 31 (statutory undertakers), in relation to any right of access of Network Rail to railway property, but such right of access may be diverted with the consent of Network Rail.

(4) The undertaker must not under the powers of this Order acquire or use or acquire new rights over, or seek to impose any restrictive covenants over, any railway property, or extinguish any existing rights of Network Rail in respect of any third party property, except with the consent of Network Rail.

(5) The undertaker must not under the powers of this Order do anything which would result in railway property being incapable of being used or maintained or which would affect the safe running of trains on the railway.

(6) Where Network Rail is asked to give its consent pursuant to this paragraph, such consent must not be unreasonably withheld but may be given subject to reasonable conditions but it will never be unreasonable to withhold consent for reasons of operational railway safety (such matters to be in network Rail's absolute discretion).

(7) The undertaker must enter into an asset protection agreement prior to the commencement of any specified work.

67.—(1) The undertaker must before commencing construction of any specified work supply to Network Rail proper and sufficient plans of that work for the reasonable approval of the engineer and the specified work must not be commenced except in accordance with such plans as have been approved in writing by the engineer or settled in accordance with article 51 (arbitration).

(2) The approval of the engineer under sub-paragraph (1) must not be unreasonably withheld, and if by the end of the period of 28 days beginning with the date on which such plans have been supplied to Network Rail the engineer has not intimated disapproval of those plans and the grounds of such disapproval the undertaker may serve upon the engineer written notice requiring the engineer to intimate approval or disapproval within a further period of 28 days beginning with the date upon which the engineer receives written notice from the undertaker. If by the expiry of the further 28 days the engineer has not intimated approval or disapproval, the engineer shall be deemed to have approved the plans as submitted.

(3) If by the end of the period of 28 days beginning with the date on which written notice was served upon the engineer under sub-paragraph (2), Network Rail gives notice to the undertaker that Network Rail desires itself to construct any part of a specified work which in the opinion of the engineer will or may affect the stability of railway property or the safe operation of traffic on the railways of Network Rail then, if the undertaker desires such part of the specified work to be constructed, Network Rail must construct it without unnecessary delay on behalf of and to the reasonable satisfaction of the undertaker in accordance with the plans approved or deemed to be approved or settled under this paragraph, and under the supervision (where appropriate and if given) of the undertaker.

(4) When signifying approval of the plans the engineer may specify any protective works (whether temporary or permanent) which in the engineer's opinion should be carried out before the commencement of the construction of a specified work to ensure the safety or stability of railway property or the continuation of safe and efficient operation of the railways of Network Rail or the services of operators using the same (including any relocation de-commissioning and removal of works, apparatus and equipment necessitated by a specified work and the comfort and safety of passengers who may be affected by the specified works), and such protective works as may be reasonably necessary for those purposes must be constructed by Network Rail or by the undertaker, if Network Rail so desires, and such protective works must be carried out at the expense of the undertaker in either case without unnecessary delay and the undertaker must not commence the construction of the specified works until the engineer has notified the undertaker that the protective works have been completed to the engineer's reasonable satisfaction.

68.—(1) Any specified work and any protective works to be constructed by virtue of paragraph 67(4) must, when commenced, be constructed—

(**c**) Section 272 was amended by section 406 of, and paragraph 103(1) of Schedule 17 to, the Communications Act 2003 (c. 21).

(a) without unnecessary delay in accordance with the plans approved or deemed to have been approved or settled under paragraph 67;

(b) under the supervision (where appropriate and if given) and to the reasonable satisfaction of the engineer;

(c) in such manner as to cause as little damage as is possible to railway property; and

(d) so far as is reasonably practicable, so as not to interfere with or obstruct the free, uninterrupted and safe use of any railway of Network Rail or the traffic thereon and the use by passengers of railway property.

(2) If any damage to railway property or any such interference or obstruction shall be caused by the carrying out of, or in consequence of the construction of a specified work, the undertaker must, notwithstanding any such approval, make good such damage and must pay to Network Rail all reasonable expenses to which Network Rail may be put and compensation for any loss which it may sustain by reason of any such damage, interference or obstruction.

(3) Nothing in this Part of this Schedule imposes any liability on the undertaker with respect to any damage, costs, expenses or loss attributable to the negligence of Network Rail or its servants, contractors or agents or any liability on Network Rail with respect of any damage, costs, expenses or loss attributable to the negligence of the undertaker or its servants, contractors or agents.

69. The undertaker must—

(a) at all times afford reasonable facilities to the engineer for access to a specified work during its construction; and

(b) supply the engineer with all such information as they may reasonably require with regard to a specified work or the method of constructing it.

70. Network Rail must at all times afford reasonable facilities to the undertaker and its agents for access to any works carried out by Network Rail under this Part of this Schedule during their construction and must supply the undertaker with such information as it may reasonably require with regard to such works or the method of constructing them.

71.—(1) If any permanent or temporary alterations or additions to railway property, are reasonably necessary in consequence of the construction of a specified work or a protective works, during a period of 24 months after the completion of that work in order to ensure the safety of railway property or the continued safe operation of the railway of Network Rail, such alterations and additions may be carried out by Network Rail and if Network Rail gives to the undertaker reasonable written notice of its intention to carry out such alterations or additions (which must be specified in the notice), the undertaker must pay to Network Rail the reasonable cost of those alterations or additions including, in respect of any such alterations and additions as are to be permanent, a capitalised sum representing the increase of the costs which may be expected to be reasonably incurred by Network Rail in maintaining, working and, when necessary, renewing any such alterations or additions.

(2) If during the construction of a specified work or a protective work by the undertaker, Network Rail gives notice to the undertaker that Network Rail desires itself to construct that part of the specified work or the protective work which in the opinion of the engineer is endangering the stability of railway property or the safe operation of traffic on the railways of Network Rail then, if the undertaker decides that part of the specified work or the protective work is to be constructed, Network Rail must assume construction of that part of the specified work or the protective work and the undertaker must, notwithstanding any such approval of a specified work or a protective work under paragraph 67(4), pay to Network Rail all reasonable expenses to which Network Rail may be put and compensation for any loss which it may suffer by reason of the execution by Network Rail of that specified work or protective work.

(3) The engineer must, in respect of the capitalised sums referred to in this paragraph and paragraph 72(a) provide such details of the formula by which those sums have been calculated as the undertaker may reasonably require.

(4) If the cost of maintaining, working or renewing railway property is reduced in consequence of any such alterations or additions a capitalised sum representing such saving must be set off against any sum payable by the undertaker to Network Rail under this paragraph.

72. The undertaker must repay to Network Rail all reasonable fees, costs, charges and expenses reasonably incurred by Network Rail—

(a) in constructing any part of a specified work on behalf of the undertaker as provided by paragraph 67(3) or in constructing any protective works under the provisions of paragraph 67(4) including, in respect of any permanent protective works, a capitalised sum representing the cost of maintaining and renewing those works;

(b) in respect of the approval by the engineer of plans submitted by the undertaker and the supervision by the engineer of the construction of a specified work or a protective work;

(c) in respect of the employment or procurement of the services of any inspectors, signallers, watch-persons and other persons whom it shall be reasonably necessary to appoint for inspecting, signalling, watching and lighting railway property and for preventing, so far as may be reasonably practicable, interference, obstruction, danger or accident arising from the construction or failure of a specified work or a protective work;

(d) in respect of any special traffic working resulting from any speed restrictions which may in the opinion of the engineer, require to be imposed by reason or in consequence of the construction or failure of a specified work or a protective work or from the substitution or diversion of services which may be reasonably necessary for the same reason; and

(e) in respect of any additional temporary lighting of railway property in the vicinity of the specified works or a protective work, being lighting made reasonably necessary by reason or in consequence of the construction or failure of a specified work or a protective work.

73.—(1) In this paragraph—

"EMI" means, subject to sub-paragraph (2), electromagnetic interference with Network Rail apparatus generated by the operation of the authorised development where such interference is of a level which adversely affects the safe operation of Network Rail's apparatus; and

"Network Rail's apparatus" means any lines, circuits, wires, apparatus or equipment (whether or not modified or installed as part of the authorised development) which are owned or used by Network Rail for the purpose of transmitting or receiving electrical energy or of radio, telegraphic, telephonic, electric, electronic or other like means of signalling or other communications.

(2) This paragraph applies to EMI only to the extent that such EMI is not attributable to any change to Network Rail's apparatus carried out after approval of plans under paragraph 67(1) for the relevant part of the authorised development giving rise to EMI (unless the undertaker has been given notice in writing before the approval of those plans of the intention to make such change).

(3) Subject to sub-paragraph (5), the undertaker must in the design and construction of the authorised development take all measures necessary to prevent EMI and must establish with Network Rail (both parties acting reasonably) appropriate arrangements to verify their effectiveness.

(4) In order to facilitate the undertaker's compliance with sub-paragraph (3)—

(a) the undertaker must consult with Network Rail as early as reasonably practicable to identify all Network Rail's apparatus which may be at risk of EMI, and thereafter must continue to consult with Network Rail (both before and after formal submission of plans under paragraph 67(1)) in order to identify all potential causes of EMI and the measures required to eliminate them;

(b) Network Rail must make available to the undertaker all information in the possession of Network Rail reasonably requested by the undertaker in respect of Network Rail's apparatus identified pursuant to sub-paragraph (a); and

(c) Network Rail must allow the undertaker reasonable facilities for the inspection of Network Rail's apparatus identified pursuant to sub-paragraph (a).

(5) In any case where it is established that EMI can only reasonably be prevented by modifications to Network Rail's apparatus, Network Rail must not withhold its consent unreasonably to modifications of Network Rail's apparatus, but the means of prevention and the method of their execution must be selected in the reasonable discretion of Network Rail, and in relation to such modifications paragraph 67(1) has effect subject to this sub-paragraph.

(6) Prior to the commencement of the operation of the authorised development the undertaker must test the use and operation of the authorised development in a manner that must first have been agreed with Network Rail and if, regardless of any measures adopted pursuant to sub-paragraph (3), the testing of the authorised development causes EMI then the undertaker must immediately upon receipt of notification by Network Rail of such EMI either in writing or communicated orally (such oral communication to be confirmed in writing as soon as reasonably practicable after it has been issued) forthwith cease to use (or procure the cessation of use of) the undertaker's apparatus causing such EMI until all measures necessary have been taken to remedy such EMI by way of modification to the source of such EMI or (in the circumstances, and subject to the consent, specified in sub-paragraph (5)) to Network Rail's apparatus.

(7) In the event of EMI having occurred—

(a) the undertaker must afford reasonable facilities to Network Rail for access to the undertaker's apparatus in the investigation of such EMI;

(b) Network Rail must afford reasonable facilities to the undertaker for access to Network Rail's apparatus in the investigation of such EMI;

(c) Network Rail must make available to the undertaker any additional material information in its possession reasonably requested by the undertaker in respect of Network Rail's apparatus or such EMI; and

(d) the undertaker must not allow the use or operation of the authorised development in a manner that has caused or will cause EMI until measures have been taken in accordance with this paragraph to prevent EMI occurring.

(8) Where Network Rail approves modifications to Network Rail's apparatus pursuant to sub-paragraph (5) or (6)—

(a) Network Rail must allow the undertaker reasonable facilities for the inspection of the relevant part of Network Rail's apparatus; and

(b) any modifications to Network Rail's apparatus approved pursuant to those sub-paragraphs must be carried out and completed by the undertaker in accordance with paragraph 68.

(9) To the extent that it would not otherwise do so, the indemnity in paragraph 77(1) applies to the costs and expenses reasonably incurred or losses suffered by Network Rail through the implementation of the provisions of this paragraph (including costs incurred in connection with the consideration of proposals, approval of plans, supervision and inspection of works and facilitating access to Network Rail's apparatus) or in consequence of any EMI to which sub-paragraph (6) applies.

(10) For the purpose of paragraph 72(a) any modifications to Network Rail's apparatus under this paragraph shall be deemed to be protective works referred to in that paragraph.

(11) In relation to any dispute arising under this paragraph the reference in article 51 (arbitration) to a single arbitrator to be agreed between the parties is to be read as a reference to an arbitrator being a member of the Institution of Engineering and Technology.

74. If at any time after the completion of a specified work or a protective work, not being a work vested in Network Rail, Network Rail gives notice to the undertaker informing it that the state of maintenance of any part of the specified work or the protective work appears to be such as adversely affects the operation of railway property, the undertaker must, on receipt of such notice, take such steps as may be reasonably necessary to put that specified work or protective work in such state of maintenance as not adversely to affect railway property.

75. The undertaker must not provide any illumination or illuminated sign or signal on or in connection with a specified work in the vicinity of any railway belonging to Network Rail unless

it has first consulted Network Rail and it must comply with Network Rail's reasonable requirements for preventing confusion between such illumination or illuminated sign or signal and any railway signal or other light used for controlling, directing or securing the safety of traffic on the railway.

76. Any additional expenses which Network Rail may reasonably incur in altering, reconstructing or maintaining railway property under any powers existing at the making of this Order by reason of the existence of a specified work or a protective work must, provided that 56 days' previous notice of the commencement of such alteration, reconstruction or maintenance has been given to the undertaker, be repaid by the undertaker to Network Rail.

77.—(1) The undertaker must pay to Network Rail all reasonable costs, charges, damages and expenses not otherwise provided for in this Part of this Schedule which may be occasioned to or reasonably incurred by Network Rail—

(a) by reason of the construction, maintenance or operation of a specified work or protective work or the failure thereof;

(b) by reason of any act or omission of the undertaker or of any person in its employ or of its contractors or others whilst engaged upon a specified work or a protective work;

(c) by reason of any act or omission of the undertaker or any person in its employ or of its contractors or others whilst accessing to or egressing from the authorised development;

(d) in respect of any damage caused to or additional maintenance required to, railway property or any such interference or obstruction or delay to the operation of the railway as a result of access to or egress from the authorised development by the undertaker or any person in its employ or of its contractors or others; or

(e) in respect of costs incurred by Network Rail in complying with any railway operational procedures or obtaining any regulatory consents which procedures are required to be followed or consents obtained to facilitate the carrying out of the authorised development,

and the undertaker must indemnify and keep indemnified Network Rail from and against all claims and demands arising out of or in connection with a specified work or a protective work or any such failure, act or omission; and the fact that any act or thing may have been done by Network Rail on behalf of the undertaker or in accordance with plans approved by the engineer or in accordance with any requirement of the engineer or under the engineer's supervision shall not (if it was done without negligence on the part of Network Rail or of any person in its employ or of its contractors or agents) excuse the undertaker from any liability under the provisions of this sub-paragraph.

(2) Network Rail must give the undertaker reasonable written notice of any such claim or demand and no settlement or compromise of such claim or demand is to be made without the prior written consent of the undertaker.

(3) The sums payable by the undertaker under sub-paragraph (1) will if relevant include a sum equivalent to the relevant costs.

(4) Subject to the terms of any agreement between Network Rail and a train operator regarding the timing or method of payment of the relevant costs in respect of that train operator, Network Rail must promptly pay to each train operator the amount of any sums which Network Rail receives under sub-paragraph (3) which relates to the relevant costs of that train operator.

(5) The obligation under sub-paragraph (3) to pay Network Rail the relevant costs is, in the event of default, enforceable directly by any train operator concerned to the extent that such sums would be payable to that operator pursuant to sub-paragraph (4).

(6) In this paragraph—

"the relevant costs" means the costs, direct losses and expenses (including loss of revenue) reasonably incurred by each train operator as a consequence of any specified work or protective work including but not limited to any restriction of the use of Network Rail's railway network as a result of the construction, maintenance or failure of a specified work or a protective work or any such act or omission as mentioned in sub-paragraph (1); and

"train operator" means any person who is authorised to act as the operator of a train by a licence under section 8 of the Railways Act 1993.

78. Network Rail must, on receipt of a request from the undertaker, from time to time provide the undertaker free of charge with written estimates of the costs, charges, expenses and other liabilities for which the undertaker is or will become liable under this Part of this Schedule (including the amount of the relevant costs mentioned in paragraph 77) and with such information as may reasonably enable the undertaker to assess the reasonableness of any such estimate or claim made or to be made pursuant to this Part of this Schedule (including any claim relating to those relevant costs).

79. In the assessment of any sums payable to Network Rail under this Part of this Schedule there must not be taken into account any increase in the sums claimed that is attributable to any action taken by or any agreement entered into by Network Rail if that action or agreement was not reasonably necessary and was taken or entered into with a view to obtaining the payment of those sums by the undertaker under this Part of this Schedule or increasing the sums so payable.

80. The undertaker and Network Rail may, subject in the case of Network Rail to compliance with the terms of its network licence, enter into, and carry into effect, agreements for the transfer to the undertaker of—

(a) any railway property shown on the works and land plans and described in the book of reference;

(b) any lands, works or other property held in connection with any such railway property; and

(c) any rights and obligations (whether or not statutory) of Network Rail relating to any railway property or any lands, works or other property referred to in this paragraph.

81. Nothing in this Order, or in any enactment incorporated with or applied by this Order, prejudices or affects the operation of Part I of the Railways Act 1993.

82. The undertaker must give written notice to Network Rail if any application is proposed to be made by the undertaker for the Secretary of State's consent, under article 44 (consent to transfer benefit of Order) of this Order and any such notice must be given no later than 28 days before any such application is made and must describe or give (as appropriate)—

(a) the nature of the application to be made;

(b) the extent of the geographical area to which the application relates; and

(c) the name and address of the person acting for the Secretary of State to whom the application is to be made.

83. The undertaker must no later than 28 days from the date that the plans submitted to and certified by the Secretary of State in accordance with article 49 (certification of plans, etc.) are certified by the Secretary of State, provide a set of those plans to Network Rail in a format specified by Network Rail.

PART 7

FOR THE PROTECTION OF DRAINAGE AUTHORITIES

84. The provisions of this Part of this Schedule apply for the protection of the drainage authorities unless otherwise agreed between the undertaker and a drainage authority.

85. In this Part of this Schedule—

"construction" includes execution, placing, altering, laying, replacing, relaying, connecting, building, installing, removal and excavation, and "construct" and "constructed" are to be construed accordingly;

"the drainage authority" means the drainage board concerned within the meaning of section 23 (prohibition on obstructions etc. in watercourses) of the Land Drainage Act 1991(**a**);

"drainage work" means any ordinary watercourse and includes any bank, wall, embankment or other structure, or any appliance, constructed or used for land drainage or flood defence in connection with an ordinary watercourse which is the responsibility of the drainage authority;

"ordinary watercourse" has the same meaning as given in section 72 (interpretation) of the Land Drainage Act 1991;

"plans" includes sections, drawings, specifications and method statements; and

"specified work" means any of the following works carried out in relation to or which may affect any ordinary watercourse—

(a) erecting any mill dam, weir or other similar obstruction to the flow of the watercourse, or raising or otherwise altering any such obstruction;

(b) construction or installation of a bridge or other structure;

(c) installing a culvert in the watercourse; or

(d) altering a watercourse or a culvert or other form of drainage infrastructure in a manner that would be likely to affect the flow of the watercourse.

86.—(1) Before beginning to construct any specified work, the undertaker must submit to the drainage authority plans of the work, and such further particulars as the drainage authority may within 14 days of the first submission of the plans reasonably require.

(2) Any such specified work must not be constructed except in accordance with such plans as may be approved in writing by the drainage authority, or determined under paragraph 92.

(3) The drainage authority must approve or refuse approval of the plans for a specified work within 28 days of receipt of the later of—

(a) the plans under sub-paragraph (1); or

(b) such further particulars as the drainage authority may reasonably require under sub-paragraph (1).

(4) Any approval of the drainage authority required under this paragraph—

(a) must not be unreasonably withheld or delayed;

(b) is to be deemed to have been given if it is neither given nor refused within the period specified in sub-paragraph (3); and

(c) may be given subject to such reasonable requirements or conditions as the drainage authority may make for the protection of any ordinary watercourse or for the prevention of flooding.

87. The requirements or conditions which the drainage authority may make under paragraph 86 include conditions requiring the undertaker at its own expense to construct such protective works (including any new works as well as alterations to existing works) as are reasonably necessary—

(a) to safeguard any ordinary watercourse against damage, or

(b) to secure that the efficiency of any ordinary watercourse for flood defence or land drainage purposes is not impaired and that the risk of flooding is not otherwise increased, by reason of the specified work in relation to the ordinary watercourse.

88.—(1) Any specified work in relation to an ordinary watercourse, and all protective works required by the drainage authority under paragraph 86, must be constructed to the reasonable satisfaction of the drainage authority and an officer of the drainage authority is entitled, on giving such notice as may be reasonable in the circumstances, to inspect and watch the construction of such works.

(**a**) 1991 c. 59. Section 23 was amended by paragraph 32(3) of Schedule 22 to the Environment Act 1995 (c. 25) and paragraph 32 of Schedule 2 to the Flood and Water Management Act 2010 (c. 29).

(2) The undertaker must give to the drainage authority not less than 14 days' notice of its intention to commence construction of any specified work and the undertaker must give to the drainage authority notice of completion of a specified work not later than 7 days after the date on which it is brought into use.

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

(4) Subject to sub-paragraph (5), if within a reasonable period, being not less than 28 days from the date when a notice under sub-paragraph (3) is served upon the undertaker, it has failed to begin taking steps to comply with the requirements of the notice and subsequently to make reasonably expeditious progress toward their implementation, the drainage authority may execute the works specified in the notice and any expenditure reasonably incurred by it in so doing is to be recoverable from the undertaker.

(5) In the event of any dispute as to whether sub-paragraph (3) is properly applicable to any work in respect of which notice has been served under that sub-paragraph, or as to the reasonableness of any requirement of such a notice, the drainage authority must not, except in an emergency, exercise the powers conferred by sub-paragraph (4) until the dispute has been finally determined.

89.—(1) From the commencement of the construction of any specified work until the date falling 12 months from the date of completion of the specified work ("the maintenance period"), the undertaker must at its expense, maintain in good repair and condition and free from obstruction the drainage work which is situated within the limits of deviation for that specified work and within land held or occupied by the undertaker, whether the drainage work is constructed under this Order or is already in existence.

(2) If any such drainage work which the undertaker is liable to maintain is not maintained to the reasonable satisfaction of the drainage authority, it may by notice require the undertaker to maintain the drainage work at the undertaker's expense, or any part of it, to such extent as the drainage authority reasonably requires.

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

(4) In the event of any dispute as to the reasonableness of any requirement of a notice served under sub-paragraph (2), the drainage authority must not, except in a case of emergency, exercise the powers of sub-paragraph (3) until the dispute has been finally determined.

(5) This paragraph does not apply to—

(a) drainage works which are vested in the drainage authority, or which the drainage authority or another person is liable to maintain and is not prevented by this Order from so doing; and

(b) any obstruction of a drainage work for the purpose of a work or operation authorised by this Order and carried out in accordance with the provisions of this Part of this Schedule provided that any obstruction is removed as soon as reasonably practicable.

90. Subject to paragraph 89(5)(b), if by reason of the construction of any specified work or of the failure of any such work the efficiency of any ordinary watercourse for flood defence or land drainage purposes is impaired, or that watercourse is otherwise damaged, so as to require remedial action, such impairment or damage must be made good by the undertaker at its own expense to the reasonable satisfaction of the drainage authority and if the undertaker fails to do so, the drainage

authority may make good the same and recover the expense reasonably incurred by it in so doing from the undertaker.

91.—(1) The undertaker must make reasonable compensation for costs, charges and expenses which it may reasonably incur or which it may sustain—

(a) in the examination or approval of plans under this Part of this Schedule; and

(b) in the inspection and supervision of the construction of a specified work in respect of an ordinary watercourse or any protective works required by the drainage authority under this Part of this Schedule.

(2) The maximum amount payable to the drainage authority under sub-paragraph (1)(a) or (1)(b) is to be the same as would have been payable to the drainage authority in accordance with the scale of charges for pre-application advice and land drainage consent applications published on the drainage authority's website from time to time.

92. Any dispute arising between the undertaker and the drainage authority under this Part of this Schedule is to be determined by arbitration in accordance with article 51 (arbitration) of the Order.

SCHEDULE 10

Article 49

DOCUMENTS TO BE CERTIFIED

(1) *Document*	*(2)* *Description*	*(3)* *Reference*	*(4)* *Date submitted*
Book of reference	Book of Reference – Volume One: Scheme 0102: M6 Junction 40 to Kemplay Bank	5.7 (Rev P04)	16/5/2023
	Book of Reference – Volume Two: Scheme 03: Penrith to Temple Sowerby	5.7 (Rev P03)	16/5/2023
	Book of Reference – Volume Three: Scheme 0405: Temple Sowerby to Appleby	5.7 (Rev P03)	16/5/2023
	Book of Reference – Volume Four: Scheme 06: Appleby to Brough	5.7 (Rev P06)	16/5/2023
	Book of Reference – Volume Five: Scheme 07: Bowes Bypass	5.7 (Rev P03)	16/5/2023
	Book of Reference – Volume Six: Scheme 08: Cross Lanes to Rokeby	5.7 (Rev P03)	16/5/2023
	Book of Reference – Volume Seven: Scheme 09: Stephen Bank to Carkin Moor	5.7 (Rev P03)	16/5/2023
	Book of Reference – Volume Eight: Scheme 11: A1(M) Junction 53 Scotch Corner	5.7 (Rev P03)	16/5/2023
Classification of roads plans	Classification of Roads Plan Scheme 0102: M6 Junction 4 to Kemplay Bank	5.20	21/6/2022
	Classification of Roads Plan Scheme 03: Penrith to Temple Sowerby	5.20	21/6/2022
	Classification of Roads Plan Scheme 0405: Temple Sowerby to Appleby	5.20 (Rev 2)	03/12/2025
	Classification of Roads Plan Scheme 06: Appleby to Brough	5.20 (Rev 3)	16/5/2023
	Classification of Roads Plan Scheme 07: Bowes Bypass	5.20 (Rev 2)	9/5/2023
	Classification of Roads Plan Scheme 08: Cross Lanes to Rokeby	5.20	21/6/2022
	Classification of Roads Plan Scheme 09: Stephen Bank to Carkin Moor	5.20 (Rev P01)	~~21/6/2022~~ 6/11/2026
Crown land plans	Crown Land Plans Scheme 06: Appleby to Brough	5.14 (Rev 4)	26/5/2023
	Crown Land Plans Scheme 07: Bowes Bypass	5.14	21/6/2022
Design principles	Project Design Principles	5.11 (Rev 5)	16/5/2023
De-trunking plans	De-Trunking Plans Scheme 0102: M6 Junction 40 to Kemplay Bank	5.21	21/6/2022
	De-Trunking Plans Scheme 03: Penrith to Temple Sowerby	5.21 (Rev 2)	9/5/2023
	De-Trunking Plans Scheme 0405: Temple Sowerby to Appleby, subject to the following substitutions— Sheet 1 for Sheet 1 with drawing number HE615324-BBA-HAC-004_AL_SCHEM-DR-CH-301701, rev. P02;	5.21	21/6/2022

Commented [PM21]: The amendments to the Classification of Roads Plan Scheme 09: Stephen Bank to Carkin Moor relate to **Proposed Change 1 - Collier Lane**.

	Sheet 2 for Sheet 2 with drawing number HE615324-BBA-HAC-004_AL_SCHEM-DR-CH-301702, rev. P02; Sheet 3 for Sheet 3 with drawing number HE615324-BBA-HAC-004_AL_SCHEM-DR-CH-301703, rev. P01; and Sheet 4 for Sheet 4 with drawing number HE615324-BBA-HAC-004_AL_SCHEM-DR-CH-301704, rev. P02		
	De-Trunking Plans Scheme 06: Appleby to Brough	5.21 (Rev 2)	9/5/2023
	De-Trunking Plans Scheme 07: Bowes Bypass	5.21 (Rev 2)	9/5/2023
	De-Trunking Plans Scheme 08: Cross Lanes to Rokeby	5.21	21/6/2022
	De-Trunking Plans Scheme 09: Stephen Bank to Carkin Moor, subject to the following substitutions— Sheet 2 for Sheet 2 with drawing number HE615324-BBA-HAC-009_AL_SCHEM-DR-CH-701702, rev. P01; and Sheet 3 for Sheet 3 with drawing number HE615324-BBA-HAC-009_AL_SCHEM-DR-CH-701703, rev. P01	5.21 (Rev 2)	9/5/2023
Engineering section drawings: cross sections	Engineering Section Drawings: Cross Sections Scheme 0102: M6 Junction 40 to Kemplay Bank	5.18 (Rev 2)	9/5/2023
	Engineering Section Drawings: Cross Sections Scheme 03: Penrith to Temple Sowerby, subject to the following substitution— Sheet 1 for Sheet 1 with drawing number HE615323-JAC-HAC-03A_AL_SCHEM-DR-CH-201101, rev. P03	5.18 (Rev 2)	9/5/2023
	Engineering Section Drawings: Cross Sections Scheme 0405: Temple Sowerby to Appleby, subject to the following substitutions— Sheet 1 for Sheet 1 with drawing number HE615324-BBA-HAC-004_AL_SCHEM-DR-CH-301101, rev. P01; Sheet 3 for Sheet 3 with drawing number HE615324-BBA-HAC-004_AL_SCHEM-DR-CH-301103, rev. P01; and Sheet 5 for Sheet 5 with drawing number HE615324-BBA-HAC-004_AL_SCHEM-DR-CH-301105, rev. P02	5.18 (Rev 2)	9/5/2023
	Engineering Section Drawings: Cross Sections Scheme 06: Appleby to Brough	5.18 (Rev 2)	9/5/2023
	Engineering Section Drawings: Cross Sections Scheme 07: Bowes Bypass	5.18 (Rev 2)	9/5/2023
	Engineering Section Drawings: Cross Sections Scheme 08: Cross Lanes to Rokeby	5.18	21/6/2022
	Engineering Section Drawings: Cross Sections Scheme 09: Stephen Bank to Carkin Moor subject to the substitution of Sheet 3 for Sheet 3 with drawing number HE615324-BBA-HAC-009_AL_SCHEM-DR-CH-701103, rev. P01	5.18 (Rev 2)	9/5/2023

Commented [PM22]: The substitution of a new De-trunking Plan sheet 2 is related to **Proposed Change 1 - Collier Lane**.

Commented [PM23]: The substitution of a new De-trunking Plan sheet 3 is related to **Proposed Change 2 - Mains Gill Junction Bridleway**.

Commented [PM24]: The substitution of a new Cross Section drawing sheet 3 is related to **Proposed Change 1 - Collier Lane**.

	Engineering Section Drawings: Cross Sections Scheme 11: A1(M) Junction 53 Scotch Corner	5.18	21/6/2022
Engineering section drawings: plan and profiles	Engineering Section Drawings: Plan and Profiles Scheme 0102: M6 Junction 40 to Kemplay Bank, subject to the following substitution— Sheet 2 for Sheet 2 with drawing number HE615322-KIE-HAC-002_AL_SCHEM-DR-CH-101001, rev. P01	5.17 (Rev 2)	9/5/2023
	Engineering Section Drawings: Plan and Profiles Scheme 03: Penrith to Temple Sowerby, subject to the following substitution— Sheet 1 for Sheet 1 with drawing number HE615323-JAC-HAC-03A_AL_SCHEM-DR-CH-201001, rev. P01	5.17 (Rev 2)	9/5/2023
	Engineering Section Drawings: Plan and Profiles Scheme 0405: Temple Sowerby to Appleby, subject to the following substitutions— Sheet 1 for Sheet 1 with drawing number HE615324-BBA-HAC-004_AL_SCHEM-DR-CH-301001, rev. P02; Sheet 2 for Sheet 2 with drawing number HE615324-BBA-HAC-004_AL_SCHEM-DR-CH-301002, rev. P02; Sheet 4 for Sheet 4 with drawing number HE615324-BBA-HAC-004_AL_SCHEM-DR-CH-301004, rev. P02; Sheet 5 for Sheet 5 with drawing number HE615324-BBA-HAC-004_AL_SCHEM-DR-CH-301005, rev. P01; Sheet 8 for Sheet 8 with drawing number HE615324-BBA-HAC-004_AL_SCHEM-DR-CH-301008, rev. P02; Sheet 9 for Sheet 9 with drawing number HE615324-BBA-HAC-004_AL_SCHEM-DR-CH-301009, rev. P02; Sheet 11 for Sheet 11 with drawing number HE615324-BBA-HAC-004_AL_SCHEM-DR-CH-301011, rev. P02; Sheet 12 for Sheet 12 with drawing number HE615324-BBA-HAC-004_AL_SCHEM-DR-CH-301012, rev. P02; Sheet 15 for Sheet 15 with drawing number HE615324-BBA-HAC-004_AL_SCHEM-DR-CH-301015, rev. P02; Sheet 16 for Sheet 16 with drawing number HE615324-BBA-HAC-004_AL_SCHEM-DR-CH-301016, rev. P01; Sheet 17 for Sheet 17 with drawing number HE615324-BBA-HAC-004_AL_SCHEM-DR-CH-301017, rev. P02; Sheet 18 for Sheet 18 with drawing number HE615324-BBA-HAC-004_AL_SCHEM-DR-CH-301018, rev. P01;	5.17 (Rev 2)	9/5/2023

	Sheet 19 for Sheet 19 with drawing number HE615324-BBA-HAC-004_AL_SCHEM-DR-CH-301019, rev. P02; Sheet 20 for Sheet 20 with drawing number HE615324-BBA-HAC-004_AL_SCHEM-DR-CH-301020, rev. P01; Sheet 22 for Sheet 22 with drawing number HE615324-BBA-HAC-004_AL_SCHEM-DR-CH-301022, rev. P01; and Sheet 23 for Sheet 23 with drawing number HE615324-BBA-HAC-004_AL_SCHEM-DR-CH-301023, rev. P01		
	Engineering Section Drawings: Plan and Profiles Scheme 06: Appleby to Brough	5.17 (Rev 3)	16/5/2023
	Engineering Section Drawings: Plan and Profiles Scheme 07: Bowes Bypass	5.17 (Rev 2)	9/5/2023
	Engineering Section Drawings: Plan and Profiles Scheme 08: Cross Lanes to Rokeby	5.17	21/6/2022
	Engineering Section Drawings: Plan and Profiles Scheme 09: Stephen Bank to Carkin Moor, subject to the following substitutions— Sheet 2 for Sheet 2 with drawing number HE615324-BBA-HAC-009_AL_SCHEM-DR-CH-701002, rev. P01; Sheet 3 for Sheet 3 with drawing number HE615324-BBA-HAC-009_AL_SCHEM-DR-CH-701003, rev. P01; Sheet 4 for Sheet 4 with drawing number HE615324-BBA-HAC-009_AL_SCHEM-DR-CH-701004, rev. P02; Sheet 5 for Sheet 5 with drawing number HE615324-BBA-HAC-009_AL_SCHEM-DR-CH-701005, rev. P02; Sheet 7 for Sheet 7 with drawing number HE615324-BBA-HAC-009_AL_SCHEM-DR-CH-701007, rev. P01; Sheet 8 for Sheet 8 with drawing number HE615324-BBA-HAC-009_AL_SCHEM-DR-CH-701008, rev. P01; Sheet 9 for Sheet 9 with drawing number HE615324-BBA-HAC-009_AL_SCHEM-DR-CH-701009, rev. P01; Sheet 10 for Sheet 10 with drawing number HE615324-BBA-HAC-009_AL_SCHEM-DR-CH-701010, rev. P01; and Sheet 11 for Sheet 11 with drawing number HE615324-BBA-HAC-009_AL_SCHEM-DR-CH-701011, rev. P01.	5.17 (Rev 2)	9/5/2023
	Engineering Section Drawings: Plan and Profiles Scheme 11: A1(M) Junction 53 Scotch Corner	5.17	21/6/2022
Environmental management plan	Environmental Management Plan	2.7 (Rev 5)	16/5/2023
	Environmental Management Plan Annex A Constraints Plan	2.7	21/6/2022
	Environmental Management Plan Annex B1	2.7 (Rev 4)	16/5/2023

Commented [PM25]: The substitution of a new Plan and Profiles drawing sheet 2 is related to **Proposed Change 1 - Collier Lane**.

Commented [PM26]: The substitution of a new Plan and Profiles drawing sheet 3 is related to **Proposed Change 2 - Mains Gill Junction Bridleway**.

Commented [PM27]: The substitution of a new Plan and Profiles drawing sheet 4 is related to **Proposed Change 2 - Mains Gill Junction Bridleway**.

Commented [PM28]: The substitution of a new Plan and Profiles drawing sheet 5 is related to **Proposed Change 2 - Mains Gill Junction Bridleway**.

Commented [PM29]: The substitution of a new Plan and Profiles drawing sheet 7 is related to **Proposed Change 1 - Collier Lane**.

Commented [PM30]: The substitution of a new Plan and Profiles drawing sheet 8 is related to **Proposed Change 2 - Mains Gill Junction Bridleway**.

Commented [PM31]: The substitution of a new Plan and Profiles drawing sheet 9 is related to **Proposed Change 2 - Mains Gill Junction Bridleway**.

Commented [PM32]: The substitution of a new Plan and Profiles drawing sheet 10 is related to **Proposed Change 1 - Collier Lane**.

Commented [PM33]: The substitution of a new Plan and Profiles drawing sheet 11 is related to **Proposed Change 2 - Mains Gill Junction Bridleway**.

	Outline Landscape and Ecology Management Plan		
	Environmental Management Plan Annex B2 Outline Site Waste Management Plan	2.7 (Rev 2)	24/1/2023
	Environmental Management Plan Annex B3 Outline Heritage Mitigation Strategy	2.7 (Rev 5)	16/5/2023
	Environmental Management Plan Annex B4 Air Quality and Dust Management Plan	2.7 (Rev 3)	16/5/2023
	Environmental Management Plan Annex B5 Noise and Vibration Management Plan	2.7 (Rev 3)	16/5/2023
	Environmental Management Plan Annex B6 Public Rights of Way Management Plan	2.7	21/6/2022
	Environmental Management Plan Annex B7 Ground and Surface Water Management Plan	2.7 (Rev 2)	24/1/2023
	Environmental Management Plan Annex B8 Materials Management Plan	2.7	21/6/2022
	Environmental Management Plan Annex B9 Soil Management Plan	2.7 (Rev 2)	24/1/2023
	Environmental Management Plan Annex B10 Construction Worker Travel and Accommodation Plan	2.7	21/6/2022
	Environmental Management Plan Annex B11 Community Engagement Plan	2.7 (Rev 2)	24/1/2023
	Environmental Management Plan Annex B12 Skills and Employment Strategy	2.7	21/6/2022
	Environmental Management Plan Annex B13 Construction Traffic Management Plan	2.7 (Rev 2)	16/5/2023
	Environmental Management Plan Annex B14 Site Establishment Plan	2.7	21/6/2022
	Environmental Management Plan Annex B15 Invasive Non-Native Species (INNS)	2.7 (Rev 2)	24/1/2023
	Environmental Management Plan Annex C1 Working in and Near SAC Method Statement	2.7 (Rev 2)	24/1/2023
	Environmental Management Plan Annex C2 Working in Watercourses Method Statement	2.7 (Rev 2)	24/1/2023
	Environmental Management Plan Annex C3 Scheduled Monuments Method Statement	2.7 (Rev 4)	16/5/2023
	Environmental Management Plan Annex C4 Piling Method Statement	2.7	21/6/2022
	Environmental Management Plan Annex D Emergency Procedures	2.7 (Rev 2)	24/1/2023
Environmental statement	Environmental Statement Non-Technical Summary	3.1	21/6/2022
	Environmental Statement Volume 1 (Main Report) - Chapters 1 to 15	3.2	21/6/2022
	Environmental Statement Volume 1 (Main Report) - Chapter 16	3.2 (Rev 2)	6/9/2022
	Environmental Statement Volume 2 (Figures) – Figures 1.1, 2.3, 8.9.1, 10.8, 11.1, 12.2, 12.5 and 12.9	3.3	21/6/2022
	Environmental Statement Volume 2 (Figures) – Figure 10.9	3.3 (Rev 2)	14/2/2023
	Environmental Statement Volume 2 (Figures) – Figures 2.1 to 2.2, 2.4 to 8.8.2, 8.9.2 to 10.7,	3.3 (Rev 2)	9/5/2023

	12.1, 12.3 to 12.4, 12.6 to 12.8 and 13.1 to 15.2		
	Environmental Statement Volume 3 (Appendices) – Appendices 1.1 to 5.3, 6.1 to 8.9, 9.1 to 9.4 and 10.1 to 10.5	3.4	21/6/2022
	Environmental Statement Volume 3 (Appendices) – Appendix 9.5 and 13.2	3.4 (Rev 2)	24/1/2023
	Environmental Statement Volume 3 (Appendices) 5.4, 8.10 and 10.6	3.4 (Rev 2)	14/2/2023
	Errata Report	6.1 (Rev 3)	16/5/2023
	Environmental Statement Addendum Volume 1 (Scoping)	8.3	9/5/2023
	Environmental Statement Addendum Volume 2 (Detailed Assessments)	8.3	9/5/2023
	Environmental Statement Addendum Volume 3 (Scheme Description)	8.3	9/5/2023
Land plans	Land Plans Scheme 0102: M6 Junction 40 to Kemplay Bank	5.13 (Rev 3)	9/5/2023
	Land Plans Scheme 03: Penrith to Temple Sowerby	5.13	21/6/2022
	Land Plans Scheme 0405: Temple Sowerby to Appleby	5.13 (Rev 2)	2/9/2022
	Land Plans Scheme 06: Appleby to Brough	5.13 (Rev 3)	26/5/2023
	Land Plans Scheme 07: Bowes Bypass	5.13 (Rev 2)	16/5/2023
	Land Plans Scheme 08: Cross Lanes to Rokeby	5.13	21/6/2022
	Land Plans Scheme 09: Stephen Bank to Carkin Moor	5.13 (Rev 2)	16/5/2023
	Land Plans Scheme 11: A1(M) Junction 53 Scotch Corner	5.13	21/6/2022
Outline blanket bog compensation and maintenance plan	Habitats Regulation Assessment North Pennine Moors SAC Outline Blanket Bog Management and Compensation Plan	-	27/10/2023
Rights of way and access plans	Rights of Way and Access Plans Scheme 0102: M6 Junction 40 to Kemplay Bank	5.19	21/6/2022
	Rights of Way and Access Plans Scheme 03: Penrith to Temple Sowerby, subject to the following substitution— Sheet 1 for Sheet 1 with drawing number HE615323-JAC-HAC-03A_AL_SCHEM-DR-CH-201401, rev. P03	5.19 (Rev 3)	16/5/2023
	Rights of Way and Access Plans Scheme 0405: Temple Sowerby to Appleby, subject to the following substitutions— Sheet 1 for Sheet 1 with drawing number HE615324-BBA-HAC-004_AL_SCHEM-DR-CH-301401, rev. P02; Sheet 2 for Sheet 2 with drawing number HE615324-BBA-HAC-004_AL_SCHEM-DR-CH-301402, rev. P02; Sheet 3 for Sheet 3 with drawing number HE615324-BBA-HAC-004_AL_SCHEM-DR-CH-301403, rev. P02;	5.19	21/6/2022

	Sheet 4 for Sheet 4 with drawing number HE615324-BBA-HAC-004_AL_SCHEM-DR-CH-301404, rev. P01; and Sheet 5 for Sheet 5 with drawing number HE615324-BBA-HAC-004_AL_SCHEM-DR-CH-301405, rev. P02		
	Rights of Way and Access Plans Scheme 06: Appleby to Brough	5.19 (Rev 2)	9/5/2023
	Rights of Way and Access Plans Scheme 07: Bowes Bypass	5.19 (Rev 2)	9/5/2023
	Rights of Way and Access Plans Scheme 08: Cross Lanes to Rokeby	5.19	21/6/2022
	Rights of Way and Access Plans Scheme 09: Stephen Bank to Carkin Moor, subject to the following substitutions— Sheet 2 for Sheet 2 with drawing number HE615324-BBA-HAC-009_AL_SCHEM-DR-CH-701402, rev. P01; and Sheet 3 for Sheet 3 with drawing number HE615324-BBA-HAC-009_AL_SCHEM-DR-CH-701403, rev. P01	5.19 (Rev 2)	9/5/2023
	Rights of Way and Access Plans Scheme 11: A1(M) Junction 53 Scotch Corner	5.19	21/6/2022
Special category land plans	Special Category Land Plans Scheme 0102: M6 Junction 40 to Kemplay Bank	5.15 (Rev 2)	9/5/202
	Special Category Land Plans Scheme 0405: Temple Sowerby to Appleby	5.15	21/6/2022
	Special Category Land Plans Scheme 06: Appleby to Brough	5.15 (Rev 2)	9/5/2023
	Special Category Land Plans Scheme 07: Bowes Bypass	5.15	21/6/2022
Traffic regulation measures (clearways and prohibitions) plans	Traffic Regulation Measures (Clearways and Prohibitions) Plans Scheme 0102: M6 Junction 40 to Kemplay Bank	5.22	21/6/2022
	Traffic Regulation Measures (Clearways and Prohibitions) Plans Scheme 03: Penrith to Temple Sowerby, subject to the following substitution— Sheet 1 for Sheet 1 with drawing number HE615323-JAC-HAC-03A_AL_SCHEM-DR-CH-201601, rev. P01	5.22 (Rev 2)	9/5/2023
	Traffic Regulation Measures (Clearways and Prohibitions) Plans Scheme 0405: Temple Sowerby to Appleby, subject to the following substitutions— Sheet 1 for Sheet 1 with drawing number HE615324-BBA-HAC-004_AL_SCHEM-DR-CH-301601, rev. P02; Sheet 2 for Sheet 2 with drawing number HE615324-BBA-HAC-004_AL_SCHEM-DR-CH-301602, rev. P02; Sheet 3 for Sheet 3 with drawing number HE615324-BBA-HAC-004_AL_SCHEM-DR-CH-301603, rev. P02; Sheet 4 for Sheet 4 with drawing number	5.22	21/6/2022

Commented [PM34]: The substitution of a new Rights of Way and Access Plan sheet 2 is related to **Proposed Change 1 - Collier Lane**.

Commented [PM35]: The substitution of a new Rights of Way and Access Plan sheet 3 is related to **Proposed Change 2 - Mains Gill Junction Bridleway**.

	HE615324-BBA-HAC-004_AL_SCHEM-DR-CH-301604, rev. P01; and Sheet 5 for Sheet 5 with drawing number HE615324-BBA-HAC-004_AL_SCHEM-DR-CH-301605, rev. P02		
	Traffic Regulation Measures (Clearways and Prohibitions) Plans Scheme 06: Appleby to Brough	5.22 (Rev 2)	9/5/2023
	Traffic Regulation Measures (Clearways and Prohibitions) Plans Scheme 07: Bowes Bypass	5.22 (Rev 2)	9/5/2023
	Traffic Regulation Measures (Clearways and Prohibitions) Plans Scheme 08: Cross Lanes to Rokeby	5.22	21/6/2022
	Traffic Regulation Measures (Clearways and Prohibitions) Plans Scheme 09: Stephen Bank to Carkin Moor, subject to the following substitutions— Sheet 2 for Sheet 2 with drawing number HE615324-BBA-HAC-009_AL_SCHEM-DR-CH-701602, rev. P01; and Sheet 3 for Sheet 3 with drawing number HE615324-BBA-HAC-009_AL_SCHEM-DR-CH-701603, rev. P01	5.22 (Rev 2)	9/5/2023
Traffic regulation measures (speed limits) plans	Traffic Regulation Measures (Speed Limits) Plans Scheme 0102: M6 Junction 40 to Kemplay Bank	5.23 (Rev 2)	9/5/2023
	Traffic Regulation Measures (Speed Limits) Plans Scheme 03: Penrith to Temple Sowerby, subject to the following substitution— Sheet 1 for Sheet 1 with drawing number HE615323-JAC-HAC-03A_AL_SCHEM-DR-CH-201501, rev. P01	5.23 (Rev 2)	9/5/2023
	Traffic Regulation Measures (Speed Limits) Plans Scheme 0405: Temple Sowerby to Appleby, subject to the following substitutions— Sheet 1 for Sheet 1 with drawing number HE615324-BBA-HAC-004_AL_SCHEM-DR-CH-301501, rev. P02; Sheet 2 for Sheet 2 with drawing number HE615324-BBA-HAC-004_AL_SCHEM-DR-CH-301502, rev. P02; Sheet 3 for Sheet 3 with drawing number HE615324-BBA-HAC-004_AL_SCHEM-DR-CH-301503, rev. P02; Sheet 4 for Sheet 4 with drawing number HE615324-BBA-HAC-004_AL_SCHEM-DR-CH-301504, rev. P01; and Sheet 5 for Sheet 5 with drawing number HE615324-BBA-HAC-004_AL_SCHEM-DR-CH-301505, rev. P02	5.23 (Rev 2)	9/5/2023
	Traffic Regulation Measures (Speed Limits) Plans Scheme 06: Appleby to Brough	5.23 (Rev 2)	9/5/2023
	Traffic Regulation Measures (Speed Limits) Plans Scheme 07: Bowes Bypass	5.23 (Rev 2)	9/5/2023

Commented [PM36]: The substitution of a new Traffic Regulation Measures (Clearways and Prohibitions) Plan sheet 2 is related to **Proposed Change 1 - Collier Lane**.

Commented [PM37]: The substitution of a new Traffic Regulation Measures (Clearways and Prohibitions) Plan sheet 3 is related to **Proposed Change 2 - Mains Gill Junction Bridleway**.

	Traffic Regulation Measures (Speed Limits) Plans Scheme 08: Cross Lanes to Rokeby	5.23	21/6/2022
	Traffic Regulation Measures (Speed Limits) Plans Scheme 09: Stephen Bank to Carkin Moor, subject to the following substitutions— Sheet 2 for Sheet 2 with drawing number HE615324-BBA-HAC-009_AL_SCHEM-DR-CH-701502, rev. P01; and Sheet 3 for Sheet 3 with drawing number HE615324-BBA-HAC-009_AL_SCHEM-DR-CH-701503, rev. P01	5.23 (Rev 2)	9/5/2023
Tree preservation order trees location plan	Tree Preservation Order Trees Location Plan Scheme 0102: M6 Junction 40 to Kemplay Bank	5.24	21/6/2022
	Tree Preservation Order Trees Location Plan Scheme 06: Appleby to Brough	5.24 (Rev 2)	9/5/2023
	Tree Preservation Order Trees Location Plan Scheme 09: Stephen Bank to Carkin Moor	5.24 (Rev 2)	9/5/2023
Works plans	Works Plans Scheme 0102: M6 Junction 40 to Kemplay Bank, subject to the following substitution— Sheet 2 for Sheet 2 with drawing number HE615322-KIE-HAC-002_AL_SCHEM-DR-CH-101201, rev. P02	5.16 (Rev 2)	9/5/2023
	Works Plans Scheme 03: Penrith to Temple Sowerby, subject to the following substitution— Sheet 1 for Sheet 1 with drawing number HE615323-JAC-HAC-03A_AL_SCHEM-DR-CH-201201, rev. P01	5.16 (Rev 2)	9/5/2023
	Works Plans Scheme 0405: Temple Sowerby to Appleby, subject to the following substitutions— Sheet 1 for Sheet 1 with drawing number HE615324-BBA-HAC-004_AL_SCHEM-DR-CH-301201, rev. P02; Sheet 2 for Sheet 2 with drawing number HE615324-BBA-HAC-004_AL_SCHEM-DR-CH-301202, rev. P02; Sheet 3 for Sheet 3 with drawing number HE615324-BBA-HAC-004_AL_SCHEM-DR-CH-301203, rev. P02; Sheet 4 for Sheet 4 with drawing number HE615324-BBA-HAC-004_AL_SCHEM-DR-CH-301204, rev. P01; and Sheet 5 for Sheet 5 with drawing number HE615324-BBA-HAC-004_AL_SCHEM-DR-CH-301205, rev. P02	5.16 (Rev 2)	9/5/2023
	Works Plans Scheme 06: Appleby to Brough	5.16 (Rev 2)	9/5/2023
	Works Plans Scheme 07: Bowes Bypass	5.16 (Rev 2)	9/5.2023
	Works Plans Scheme 08: Cross Lanes to Rokeby	5.16	21/6/2022
	Works Plans Scheme 09: Stephen Bank to Carkin Moor, subject to the following substitutions—	5.16 (Rev 2)	9/5/2023

Commented [PM38]: The substitution of a new Traffic Regulation Measures (Speed Limits) Plan sheet 2 is related to **Proposed Change 1 - Collier Lane**.

Commented [PM39]: The substitution of a new Traffic Regulation Measures (Speed Limits) Plan sheet 3 is related to **Proposed Change 2 - Mains Gill Junction Bridleway**.

	Sheet 2 for Sheet 2 with drawing number HE615324-BBA-HAC-009_AL_SCHEM-DR-CH-701202, rev. P01; and Sheet 3 for Sheet 3 with drawing number HE615324-BBA-HAC-009_AL_SCHEM-DR-CH-701203, rev. P01		
	Works Plans Scheme 11: A1(M) Junction 53 Scotch Corner	5.16	21/6/2022

Commented [PM40]: The substitution of a new Works Plan sheet 2 is related to **Proposed Change 1 - Collier Lane**.

Commented [PM41]: The substitution of a new Works Plan sheet 3 is related to **Proposed Change 2 - Mains Gill Junction Bridleway**.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises National Highways Company Limited to construct, operate and maintain the A66 (Northern Trans-Pennine) scheme. This is a series of eight schemes along the A66 between M6 Junction 40 Penrith and A1(M) Junction 53 Scotch Corner and associated works.

The Order would permit National Highways to acquire, compulsorily or by agreement, land and rights in and to use land for this purpose.

A copy of all documents mentioned in this Order and certified in accordance with article 49 (certification of plans, etc.) of this Order may be inspected free of charge during working hours at National Highways, Bridge House, 1 Walnut Tree Close, Guildford, Surrey, GU1 4LZ.