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STATUTORY INSTRUMENTS

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**2009 No. 1300**

**TRANSPORT AND WORKS, ENGLAND**  
**TRANSPORT, ENGLAND**

**The Nottingham Express Transit System Order 2009**

*Made* - - - - 19th May 2009  
*Coming into force* - - 9th June 2009

An application has been made to the Secretary of State in accordance with the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006(1) for an Order under sections 1, 3 and 5 of the Transport and Works Act 1992(2) (“the 1992 Act”).

The Secretary of State caused an inquiry to be held for the purposes of the application pursuant to section 11 of the 1992 Act.

The Secretary of State, having considered the objections made and not withdrawn and the report of the person who held the inquiry, has determined to make an Order giving effect to the proposals comprised in the application with modifications which in the opinion of the Secretary of State do not make any substantial change in the proposals.

The Secretary of State is satisfied that the provision of an alternative right of way for each of the streets mentioned in Parts 3 and 4 of Schedule 4 (streets to be permanently stopped up) is not required.

Notice of the Secretary of State’s determination was published in the London Gazette on 3rd April 2009.

Accordingly, the Secretary of State, in exercise of the powers conferred by sections 1, 3 and 5 of, and paragraphs 1 to 4, 7 to 13 and 15 to 17 of Schedule 1 to the 1992 Act, makes the following Order:—

**PART 1** **E+W**

**PRELIMINARY**

**Citation and commencement** **E+W**

**1.** This Order may be cited as the Nottingham Express Transit System Order 2009 and shall come into force on 9th June 2009.

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(1) S.I. 2006/1466.

(2) 1992 c. 42. As amended by S.I. 1995/1541, 1998/2226, 2000/3199 and 2006/958.

**Status:** Point in time view as at 09/06/2009.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Nottingham Express Transit System Order 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

## Commencement Information

**II** Art. 1 in force at 9.6.2009, see [art. 1](#)

## Interpretation **E+W**

**2.**—(1) In this Order—

- “the 1961 Act” means the Land Compensation Act 1961**(3)**;
- “the 1965 Act” means the Compulsory Purchase Act 1965**(4)**;
- “the 1980 Act” means the Highways Act 1980**(5)**;
- “the 1984 Act” means the Road Traffic Regulation Act 1984**(6)**;
- “the 1990 Act” means the Town and Country Planning Act 1990**(7)**;
- “the 1991 Act” means the New Roads and Street Works Act 1991**(8)**;
- “the 1994 Act” means the Greater Nottingham Light Rapid Transit Act 1994**(9)**;
- “address” includes any number or address used for the purposes of electronic transmission;
- “the authorised street tramway” means any street tramway authorised by this Order;
- “the authorised tramroad” means any tramroad authorised by this Order;
- “the authorised tramway” means the tramway (consisting of the authorised street tramway and the authorised tramroad) authorised by this Order, or any part of that tramway;
- “the authorised works” means the scheduled works and any other works authorised by this Order, or any part of them;
- “the book of reference” means the book of reference certified by the Secretary of State as the book of reference for the purposes of this Order;
- “building” includes any structure or erection, or any part of a building, structure or erection;
- “the canal” means the Nottingham Beeston Canal;
- “carriageway” has the same meaning as in the 1980 Act;
- “the City” means the City of Nottingham;
- “the City Council” means Nottingham City Council;
- “the County Council” means The Nottinghamshire County Council;
- “cycle track” has the same meaning as in the 1980 Act;
- “electric line” has the meaning given by section 64(1) of the Electricity Act 1989**(10)**;
- “electronic transmission” means a communication transmitted—
  - (a) by means of an electronic communications network; or
  - (b) by other means but while in electronic form;
- “footway” has the same meaning as in the 1980 Act;
- “highway” and “highway authority” have the same meaning as in the 1980 Act;

**(3)** 1961 c. 33.

**(4)** 1965 c. 56.

**(5)** 1980 c. 66.

**(6)** 1984 c. 27.

**(7)** 1990 c. 8.

**(8)** 1991 c. 22. As amended by the Traffic Management Act 2004 c. 18.

**(9)** 1994 c. xv.

**(10)** 1989 c. 29.

“the limits of deviation” means the limits of lateral deviation for the scheduled works mentioned in article 6(1)(a) and (2) (power to deviate);

“Line One” means the light rail transit system authorised by the 1994 Act, comprising railways and tramways and all works and conveniences provided in connection with those railways and tramways, as that system is constructed, extended or altered from time to time;

“maintain” includes inspect, repair, adjust, alter, remove, reconstruct and replace and “maintenance” shall be construed accordingly;

“the Nottingham Inclosure Act” means the Act of Parliament whose long title is “An Act for inclosing Lands in the Parish of Saint Mary in the Town and County of the Town of Nottingham”(11);

“the open space and exchange land plans” means the plans that are each headed “open space and exchange land plan”, which are attached to the works and land plans and which are certified by the Secretary of State as the open space and exchange land plans for the purposes of this Order;

“the Order limits” means the permanent limits and the temporary limits;

“owner”, in relation to land, has the same meaning as in the Acquisition of Land Act 1981(12);

“parking place” has the same meaning as in section 32 of the 1984 Act;

“the permanent limits” means the limits of deviation and of land to be acquired or used and the limits of additional land to be acquired or used, as shown on the works and land plans, described in the book of reference and (in the case of the additional land) specified in columns (1) and (2) of Schedule 2 (additional land which may be acquired or used);

“the promoter” means the County Council and the City Council, or either of them;

“the relevant part of the canal” means so much of the canal as is within the Order limits relating to Work No.7, or any part of it;

“the relevant part of the river” means so much of the River Trent as is within the Order limits relating to Work No.12, or any part of it;

“the scheduled works” means the works specified in Schedule 1 (scheduled works), or any part of them;

“the sections” means the sections included in the works and land plans;

“street” includes part of a street;

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

“street tramway” means any part of a tramway which is laid along a street, whether or not the section of the street in which its rails are laid may be used by other traffic;

“the temporary limits” means the limits of land to be used temporarily as shown on the works and land plans, described in the book of reference and specified in columns (1) and (2) of Schedule 9 (land of which temporary possession may be taken);

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

“tramcar” means any vehicle (whether or not used for the carriage of passengers) carried on flanged wheels along the rails of a tramway;

“tramroad” means any part of a tramway which is not a street tramway;

“tram services” means passenger services utilising the authorised tramway;

(11) 8 & 9 Vict. c. 7.

(12) 1981 c. 67.

**Status:** Point in time view as at 09/06/2009.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Nottingham Express Transit System Order 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

“tramway” means a system of transport used wholly or mainly for the carriage of passengers and employing parallel rails which—

- (a) provide support and guidance for vehicles carried on flanged wheels; and
- (b) are laid wholly or mainly along a street or in any other place to which the public has access (including a place to which the public has access only on making a payment);

“tramway premises” means any premises of the promoter used for or in connection with the operation or maintenance of the authorised tramway, including any depot, test track, building, park & ride site and any tramcar;

“the tribunal” means the Lands Tribunal;

“watercourse” includes all docks, rivers, streams, ditches, drains, canals, cuts, culverts, dykes, sluices, sewers and passages through which water flows (whether or not the flow is intermittent) except a public sewer or drain; and

“the works and land plans” means the plans and sections certified by the Secretary of State as the works and land 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 or on land or in the air space over its surface.

(3) Any reference in this Order to a work identified by the number of the work shall be construed as a reference to the work of that number authorised by this Order.

(4) References in this Order to points identified by letters, with or without numbers, or by numbers, shall be construed as references to the points so marked on the works and land plans or, in the case of Schedule 10 (traffic regulation), to the points so marked on the traffic regulation and rights of way plans.

(5) All distances, directions, lengths and points stated in the description of the scheduled works or in any description of powers or lands shall be construed as if the words “or thereabouts” were inserted after each such distance, direction, length and point, and distances between points on a scheduled work shall be taken to be measured along the scheduled work.

#### Commencement Information

**I2** Art. 2 in force at 9.6.2009, see [art. 1](#)

#### Application of enactments relating to railways **E+W**

**3.**—(1) The provisions of the Regulation of Railways Acts 1840 to 1893 shall not apply in relation to the authorised tramway.

(2) The provisions of the Highway (Railway Crossings) Act 1839(**13**) shall not apply in relation to the authorised tramway.

(3) Sections 32 to 34 of the Offences Against the Person Act 1861(**14**) shall apply in relation to the authorised tramway as if the word “tramway” were substituted for “railway” throughout those sections.

#### Commencement Information

**I3** Art. 3 in force at 9.6.2009, see [art. 1](#)

(13) 1839 c. 45.

(14) 1861 c. 100.

## Application of 1991 Act **E+W**

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

- (a) they are of a description mentioned in any of paragraphs (a), (c) to (e), (g) and (h) of section 86(3) of that Act (which defines what highway authority works are major highway works); or
- (b) they are works which, had they been executed by the highway authority, might have been carried out in exercise of the powers conferred by section 64 of the 1980 Act (dual carriageways and roundabouts) or section 184 of that Act (vehicle crossings over footways and verges).

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

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

- section 56 (directions as to timing);
- section 56A (power to give directions as to placing of apparatus);
- section 58 (restrictions following substantial road works);
- section 58A (restriction on works following substantial streetworks);
- section 73A (power to require undertaker to re-surface street);
- section 73B (power to specify timing etc. of re-surfacing);
- section 73C (materials, workmanship and standard of re-surfacing);
- section 78A (contributions to costs of re-surfacing by undertaker); and
- Schedule 3A (restriction on works following substantial street works).

(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 shall apply (with the necessary modifications) in relation to any stopping up, alteration or diversion of a street of a temporary nature by the promoter under the powers conferred by article 12 (temporary stopping up of streets) whether or not the stopping up, alteration or diversion constitutes street works within the meaning of that Act.

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

- section 54 (advance notice of certain works), subject to paragraph (6);
- section 55 (notice of starting date of works), subject to paragraph (6);
- section 57 (notice of emergency works);
- section 59 (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 (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.

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

(7) Nothing in article 14 (construction and maintenance of new, altered or diverted streets) shall—

- (a) affect the operation of section 87 of the 1991 Act (prospectively maintainable highways), and the promoter shall not by reason of any duty under that article to maintain a street be taken to be the street authority in relation to that street for the purposes of Part 3 of that Act; or
- (b) have effect in relation to street works as respects which the provisions of Part 3 of the 1991 Act apply.

(8) To such extent as is reasonably necessary for protecting the authorised street tramways and their operation and use the promoter shall have the same powers as respects reinstatement as a street authority has under section 72 of the 1991 Act.

(9) In its application to the authorised tramway section 93(3) of the 1991 Act shall also permit the promoter to make reasonable requirements—

- (a) for allowing it facilities to monitor the execution of the works; and
- (b) for the protection of the authorised tramway.

#### Commencement Information

**14** Art. 4 in force at 9.6.2009, see [art. 1](#)

## PART 2 **E+W**

### WORKS PROVISIONS

#### *Principal powers*

#### **Power to construct and maintain works **E+W****

**5.**—(1) The promoter may construct and maintain the scheduled works.

(2) Subject to article 6 (power to deviate), the scheduled works may only be constructed in the lines or situations shown on the works and land plans and in accordance with the levels shown on the sections.

(3) Subject to paragraph (7), the promoter may carry out and maintain such of the following works as may be necessary or expedient for the purposes of, or for purposes ancillary to, the construction of the scheduled works, namely—

- (a) stations, depots, platforms, junctions and stopping places;
- (b) works required for, or in connection with, the control of any vehicular and pedestrian traffic on the authorised tramway;
- (c) works required for the strengthening, improvement, maintenance or reconstruction of any street;
- (d) works for the strengthening, alteration or demolition of any building;
- (e) works to alter the position of any street furniture or apparatus, including mains, sewers, drains, pipes, cables and lights;
- (f) works to alter the course of, or otherwise interfere with, watercourses;

- (g) landscaping, ecological and other works to mitigate any adverse effects of the construction, maintenance or operation of the other authorised works; and
- (h) facilities and works for the benefit or protection of land or premises affected by the other authorised works.

(4) Subject to paragraph (7), the promoter may carry out and maintain such other works (of whatever nature) as may be necessary or expedient for the purposes of, or for purposes ancillary to, the construction of the scheduled works.

(5) The promoter may remove any works constructed by it pursuant to this Order which have been constructed as temporary works or which it no longer requires.

(6) Where the promoter lays down conduits for the accommodation of cables or other apparatus for the purposes of or associated with the authorised works it may provide in, or in connection with, such conduits, accommodation for the apparatus of any other person, and manholes and other facilities for access to such accommodation, and may permit the use of such conduits and facilities on such terms and conditions as may be agreed between it and such other person.

(7) Paragraphs (3) and (4) shall only authorise the carrying out or maintenance of works—

- (a) within the Order limits; or
- (b) within the boundaries of any street along which the construction of a street tramway is shown on the works and land plans, or which has a junction with such a street.

(8) The powers of this article shall not be exercised within the boundaries of a street outside of the Order limits which has a junction with a street along which the construction of a street tramway is shown on the works and land plans without the consent of the street authority but such consent shall not be unreasonably withheld.

(9) Section 109 of the Water Resources Act 1991<sup>(15)</sup>, section 23 of the Land Drainage Act 1991<sup>(16)</sup> and any byelaws made under those Acts shall not apply to anything done under or in pursuance of this Order.

(10) Section 6 of the Ecclesiastical Jurisdiction Measure 1963<sup>(17)</sup>, section 7 of the Faculty Jurisdiction Measure 1964<sup>(18)</sup> and Part 3 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991<sup>(19)</sup> shall not apply to anything done under or in pursuance of this Order in relation to Work No.16A and the land numbered 1169 on the works and land plans.

(11) The scheduled works may be constructed and maintained under the powers of this article regardless of anything contained in or done pursuant to section 53 of the Nottingham Inclosure Act or Part 1 of, or Schedule 2 to, the Commons Act 2006<sup>(20)</sup>.

#### Commencement Information

**I5** Art. 5 in force at 9.6.2009, see [art. 1](#)

#### Power to deviate **E+W**

- 6.—(1) In constructing or maintaining any of the scheduled works, the promoter may—
- (a) deviate laterally from the lines or situations shown on the works and land plans within the Order limits relating to that work shown on those plans; and

<sup>(15)</sup> 1991 c. 57.

<sup>(16)</sup> 1991 c. 59.

<sup>(17)</sup> 1963 No.1.

<sup>(18)</sup> 1964 No.5.

<sup>(19)</sup> 1991 No.1.

<sup>(20)</sup> 2006 c. 26.

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- (b) deviate vertically from the levels shown on the sections—
  - (i) to any extent not exceeding 3 metres upwards; and
  - (ii) to any extent downwards as may be necessary or expedient.
- (2) In constructing or maintaining any work or part of a work shown on the works and land plans as being situated in a street and for which no limits of deviation are shown on those plans, the promoter may deviate laterally within the boundaries of that street.
- (3) The promoter may, in constructing or maintaining the authorised tramway, lay down—
  - (a) double lines of rails in place of single lines;
  - (b) single lines of rails in place of double lines;
  - (c) interlacing lines of rails in place of double or single lines; or
  - (d) double or single lines of rails in place of interlacing lines.
- (4) The power in paragraph (3) shall not be exercised in the case of the authorised street tramway without the consent of the street authority, but such consent shall not be unreasonably withheld.
- (5) The promoter may in constructing or maintaining the authorised street tramway lay down such number of switches and crossings as may be necessary or expedient.
- (6) The promoter may in constructing and maintaining the authorised tramroad provide within the limits of deviation for the tramroad such number of lines of rails and sidings, switchings and crossings as may be necessary or expedient.
- (7) Without limiting the scope of paragraph (1)—
  - (a) in constructing and maintaining Works Nos. 3, 5, 6, 6A, 10, 10A, 10B, 12, 15 and 15A the promoter may, to the extent it thinks fit, deviate from the design of the bridges shown on the sections, including by varying the number of any supporting columns or other structures, the distances between them and the height or clearance above the level of any land underneath the bridges; and
  - (b) in constructing and maintaining the scheduled works the promoter may, to the extent it thinks fit, deviate laterally from their points of commencement and termination shown on the works and land plans.

#### Commencement Information

**I6** Art. 6 in force at 9.6.2009, see [art. 1](#)

#### Designation of works **E+W**

- 7.—(1) Regardless of anything in the description of the scheduled works contained in Schedule 1 (scheduled works)—
- (a) the whole or any part of the authorised street tramway may be constructed within the limits of deviation for that work off-street as a tramroad, and so far as it is so constructed shall be treated for the purposes of this Order as if it were so designated; and
  - (b) the whole or any part of the authorised tramroad may be constructed within the limits of deviation for that work along a street as a street tramway, and so far as it is constructed shall be treated for the purposes of this Order as if it were so designated.
- (2) Where, by means of the creation or extinguishment of rights of way, any part of the authorised tramway which has been constructed as a tramroad becomes a street tramway, or any part which was constructed as a street tramway becomes a tramroad, it shall be treated for the purposes of this Order as if it were so designated.



#### Commencement Information

**I7** Art. 7 in force at 9.6.2009, see [art. 1](#)

### Streets

#### Power to alter layout, etc., of streets **E+W**

**8.**—(1) The promoter may alter the layout of, and carry out other ancillary works in any street specified in column (1) of Part 1 or Part 2 of Schedule 3 (streets subject to alteration of layout) in the manner specified in relation to that street in column (2) of Part 1 or Part 2 of that Schedule.

(2) Without limiting the scope of the specific powers conferred by article 5 (power to construct and maintain works) or paragraph (1) but subject to paragraph (3) the promoter may, for the purpose of constructing, maintaining or using any authorised street tramway, alter the layout of the street along which the authorised street tramway is or is to be laid and the layout of any street having a junction with such a street; and, without limiting the scope of that power, the promoter may—

- (a) increase the width of the carriageway of the street by reducing the width of any kerb, footway, cycle track or verge within the street;
- (b) alter the level or increase the width of any such kerb, footway, cycle track or verge;
- (c) reduce the width of the carriageway of the street by forming a reserved area in the street as a stopping place for tramcars or by carrying out other works for that purpose;
- (d) carry out works for the provision or alteration of parking places, loading bays, bus stop clearways, cycle tracks and bus laybys;
- (e) carry out traffic calming works which are of a description prescribed in the Highways (Traffic Calming) Regulations 1999<sup>(21)</sup> and which are carried out in compliance with those Regulations;
- (f) carry out works to the carriageway of the street for the purpose of deterring or preventing vehicles other than tramcars from passing along the authorised street tramway; and
- (g) make and maintain crossovers, sidings or passing places.

(3) The powers in paragraph (2) shall not be exercised without the consent of the street authority, but such consent shall not be unreasonably withheld.

#### Commencement Information

**I8** Art. 8 in force at 9.6.2009, see [art. 1](#)

#### Power to keep apparatus in streets **E+W**

**9.**—(1) The promoter may, for the purposes of or in connection with the construction, maintenance and use of the authorised tramway, place and maintain in any street in which the tramway is or is to be laid or in any street having a junction with such a street any work, equipment or apparatus including, without limiting the scope of that power, foundations, platforms, road islands, substations, electric lines and any electrical or other apparatus.

(2) The powers of this article shall not be exercised within the boundaries of a street outside of the Order limits which has a junction with a street along which the construction of a street tramway

(21) S.I. 1999/1026.

**Status:** Point in time view as at 09/06/2009.

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is shown on the works and land plans without the consent of the street authority, but such consent shall not be unreasonably withheld.

(3) In this article—

- (a) “apparatus” has the same meaning as in Part 3 of the 1991 Act; and
- (b) the reference to any work, equipment, apparatus or other thing in a street includes a reference to any work, equipment, apparatus or other thing under, over, along or upon the street.

#### Commencement Information

**I9** Art. 9 in force at 9.6.2009, see [art. 1](#)

### Power to execute street works **E+W**

**10.**—(1) The promoter may, for the purpose of exercising the powers conferred by article 9 (power to keep apparatus in streets) or any other provision of this Order, enter upon any street in which the authorised tramway is or is to be laid and any street having a junction with such a street and may execute any works required for or incidental to the exercise of those powers including, without limiting the scope of that power, breaking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street.

(2) The powers of this article shall not be exercised within the boundaries of a street outside of the Order limits which has a junction with a street along which the construction of a street tramway is shown on the works and land plans without the consent of the street authority, but such consent shall not be unreasonably withheld.

#### Commencement Information

**I10** Art. 10 in force at 9.6.2009, see [art. 1](#)

### Stopping up of streets and extinguishment of rights **E+W**

**11.**—(1) Subject to the provisions of this article, the promoter may, in connection with the construction of the authorised works, stop up each of the streets specified in column (1) of Schedule 4 (streets to be permanently stopped up) to the extent specified, by reference to the letters and numbers shown on the works and land plans or the traffic regulation and rights of way plans, in column (2) of that Schedule.

(2) No street specified in column (1) of Part 1 or Part 2 of Schedule 4 (being a street to be stopped up for which a substitute is to be provided) shall be wholly or partly stopped up under this article unless either—

- (a) the new street to be substituted for it, and which is specified in relation to it by reference to one of the scheduled works or other works in column (3) of those Parts of that Schedule, has been completed to the reasonable satisfaction of the street authority and is open for use; or
- (b) a temporary alternative route for the passage of such traffic as is reasonably likely to have used the street to be stopped up is first provided and thereafter maintained by the promoter, to the reasonable satisfaction of the street authority, between the commencement and termination points of the street to be stopped up, until the completion and opening of the new street in accordance with sub-paragraph (a).

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

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

- (a) the promoter is in possession of the land; or
- (b) there is no right of access to the land from the street concerned; or
- (c) there is reasonably convenient access to the land otherwise than from the street concerned; or
- (d) the owners and occupiers of the land have agreed to the stopping up.

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

- (a) all rights of way over or along it shall be extinguished; and
- (b) the promoter may appropriate and use for the purposes of its tramway undertaking so much of the site of the street as is bounded on both sides by land owned or appropriated by the promoter.

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

(7) This article is subject to paragraph 2 of Schedule 11 (provisions relating to statutory undertakers, etc.).

#### Commencement Information

**III** Art. 11 in force at 9.6.2009, see [art. 1](#)

### Temporary stopping up of streets **E+W**

**12.**—(1) The promoter may, during and for the purposes of the execution of the authorised works, temporarily stop up, 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 limiting the scope of paragraph (1), the promoter may use any street stopped up under the powers of this article as a temporary working site.

(3) The promoter shall provide at all times reasonable access for pedestrians going to or from premises abutting on a street affected by the exercise of the powers conferred by this article if there would otherwise be no such access.

(4) Without limiting the scope of paragraph (1), the promoter may exercise the powers of this article in relation to the streets specified in column (1) of Schedule 4 (streets to be permanently stopped up) to the extent specified, by reference to the letters and numbers shown on the works and land plans or the traffic regulation and rights of way plans and set out in column (2) of that Schedule, and in relation to the streets specified in Schedule 5 (streets to be temporarily stopped up).

(5) The promoter shall not exercise the powers of this article—

- (a) in relation to any street specified as mentioned in paragraph (4), without first consulting the street authority; and
- (b) in relation to any other street, without the consent of the street authority which may attach reasonable conditions to any consent, but such consent shall not be unreasonably withheld.

*Status: Point in time view as at 09/06/2009.*

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

#### Commencement Information

**I12** Art. 12 in force at 9.6.2009, see [art. 1](#)

#### Access to works **E+W**

**13.** The promoter may, for the purposes of the construction, operation or maintenance of the authorised works, form and lay out such means of access, or improve such existing means of access, at such locations within the Order limits as the promoter reasonably requires for the purposes of the authorised works, as may be approved by the highway authority, but such approval shall not be unreasonably withheld.

#### Commencement Information

**I13** Art. 13 in force at 9.6.2009, see [art. 1](#)

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

**14.—(1)** Any street to be constructed under this Order shall be completed to the reasonable satisfaction of the highway authority and shall, unless otherwise agreed between the promoter and the highway authority, be maintained by and at the expense of the promoter for a period of 12 months from its completion and after the expiry of that period by and at the expense of the highway authority.

(2) Where a street is altered or diverted under this Order, the altered or diverted part of the street shall, when completed to the reasonable satisfaction of the street authority, unless otherwise agreed, be maintained by and at the expense of the promoter for a period of 12 months from its completion and after the expiry of that period by and at the expense of the street authority.

(3) Paragraphs (1) and (2) do not apply in relation to the structure of any bridge or tunnel carrying a street over a tramroad or carrying a tramroad over a street and except as provided in those paragraphs the promoter shall not be liable to maintain the surface of any street in, on, under or over which the scheduled works shall be constructed, or the immediate approaches to any such street, unless otherwise agreed with the street authority.

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

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

- (a) the character of the street including its use for a tramway, 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 promoter knew, or could reasonably have been expected to know, that the condition of the part of the street to which the action relates was likely to cause danger to users of the street; and

(e) where the promoter could not reasonably have been expected to repair that part of the street before the cause of action arose, what warning notices of its condition had been displayed, but for the purposes of such a defence it is not relevant that the promoter had arranged for a competent person to carry out or supervise the maintenance of that part of the street to which the action relates unless it is also proved that the promoter 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.

**Commencement Information**

**I14** Art. 14 in force at 9.6.2009, see [art. 1](#)

**Construction of bridges and tunnels** **E+W**

**15.** Any bridge or tunnel to be constructed under this Order for carrying a highway over or under the authorised tramroad shall be constructed in accordance with plans and specifications approved by the highway authority, but such approval shall not be unreasonably withheld.

**Commencement Information**

**I15** Art. 15 in force at 9.6.2009, see [art. 1](#)

**Restoration of streets if street tramway discontinued** **E+W**

**16.** If the promoter abandons the construction of, or permanently ceases to operate any of, the authorised street tramways (“the discontinued tramway”), it shall as soon as reasonably practicable and unless otherwise agreed with the street authority—

- (a) remove from any street in which the discontinued tramway is laid the rails and any other works, equipment and apparatus which have become redundant; and
- (b) restore, to the reasonable satisfaction of the street authority, the portion of the street along which the discontinued tramway was laid, or redundant works, equipment and apparatus were laid, regard being had to—
  - (i) the condition of the street before the tramway was laid; and
  - (ii) the nature of the traffic using the street at the time of the discontinuance.

**Commencement Information**

**I16** Art. 16 in force at 9.6.2009, see [art. 1](#)

**Agreements with street authorities** **E+W**

**17.—(1)** A street authority and the promoter may enter into agreements with respect to—

- (a) the construction of any new street (including any structure carrying the street over or under the authorised tramroad) under the powers conferred by this Order;
- (b) the strengthening, improvement, repair or reconstruction of any street under the powers conferred by this Order;

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- (c) the maintenance of any street along or across which a street tramway is laid, or of the structure of any bridge or tunnel carrying a street over or under the authorised street tramway or the authorised tramroad;
  - (d) any stopping up, alteration or diversion of a street under the powers conferred by this Order; or
  - (e) the execution in the street of any of the works referred to in article 10 (power to execute street works).
- (2) Such an agreement may, without limiting the scope of paragraph (1)—
- (a) provide for the street authority to carry out any function under this Order which relates to the street in question; and
  - (b) contain such terms as to payment and otherwise as the parties consider appropriate.

#### Commencement Information

**I17** Art. 17 in force at 9.6.2009, see [art. 1](#)

#### New road crossings **E+W**

**18.**—(1) Where by virtue of the creation of a highway or other road after the day on which application was made for this Order under section 6 of the Transport and Works Act 1992(**22**), the authorised tramroad would cross that highway or road, then the promoter may construct the tramroad so as to carry it on the level across the highway or road.

(2) The promoter may provide, maintain and operate at or near any new road crossing such protective equipment as the Office of Rail Regulation may in writing approve.

(3) Any traffic sign placed pursuant to this article on or near a highway or other road to which the public has access shall be treated for the purposes of section 64(4) of the 1984 Act as having been placed as provided by that Act.

(4) Without limiting the scope of article 8 (power to alter layout, etc., of streets), the promoter may in the exercise of the powers conferred by this article alter the level of any highway or road referred to in paragraph (1).

(5) The highway authority may enter into agreements with the promoter with respect to the construction and maintenance of any new road crossing; and such an agreement may contain such terms as to payment or otherwise as the parties consider appropriate.

(6) In this article—

“new road crossing” means the place at which the authorised tramroad crosses a highway or other road on the level under the powers conferred by this article; and

“protective equipment” includes lights, traffic signs (within the meaning of section 64(1) of the 1984 Act), manual, mechanical, automatic, electrical or telephonic equipment or other devices.

#### Commencement Information

**I18** Art. 18 in force at 9.6.2009, see [art. 1](#)

(22) 1992 c. 42. As amended by S.I. 1995/1541, 1998/2226, 2003/3199 and 2006/958.

### Supplemental powers

#### Attachment of equipment to buildings **E+W**

19. The promoter may affix to any building for the time being constructed on any land at the NG<sup>2</sup>; Development Site Spine Road specified in Schedule 6 (land not to be acquired compulsorily), or on any land specified in Schedule 8 (acquisition of new rights only)—

- (a) any brackets, cables, wires, insulators and other apparatus required in connection with the construction, operation or maintenance of the authorised tramway; and
- (b) any lamps, cameras, brackets, pipes, electric lines and other apparatus required for the provision of additional or substitute street lighting or closed circuit television in consequence of the construction, operation or maintenance of the authorised tramway.

#### Commencement Information

**I19** Art. 19 in force at 9.6.2009, see [art. 1](#)

#### Temporary closure of, and works in, waterways **E+W**

20.—(1) The promoter may, in connection with the construction of Work No.7 or Work No.12—

- (a) temporarily interfere with the relevant part of the canal or, as the case may be, the relevant part of the river by constructing or maintaining caissons, cofferdams or other temporary works at any point within that part of the canal or river as the promoter considers necessary or expedient;
- (b) temporarily moor or anchor barges or other vessels or craft in the relevant part of the canal or, as the case may be, the relevant part of the river, and may load or unload into and from such barges, other vessels or craft equipment, machinery, soil and any other materials in connection with the construction of Work No.7 or Work No.12;
- (c) on grounds of health and safety only, temporarily close to navigation the relevant part of the canal or, as the case may be, the relevant part of the river; and
- (d) temporarily remove the water from the relevant part of the canal or, as the case may be, the relevant part of the river that is so interfered with or closed.

(2) During the period of any closure referred to in paragraph (1)(c), all rights of navigation and other rights relating to, and any obligations of the British Waterways Board to manage, the relevant part of the river or the relevant part of the canal so closed shall be suspended and unenforceable against the British Waterways Board.

(3) The power conferred by paragraph (1) shall be exercised in a way which secures—

- (a) that no more of the relevant part of the river or the relevant part of the canal is closed to navigation at any time than is necessary in the circumstances; and
- (b) that, if complete closure to navigation of the relevant part of the river or the relevant part of the canal becomes necessary, all reasonable steps are taken to secure that the period of closure is kept to a minimum and that the minimum obstruction, delay or interference is caused to vessels or craft which may be using or intending to use the part so closed.

(4) In exercising the powers conferred by paragraph (1) in relation to the relevant part of the canal the promoter shall—

- (a) take such reasonable steps as are necessary to ensure that—
  - (i) the flow of water in the canal is maintained unaltered; and

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- (ii) the functioning of any intake or discharge along the canal is unaffected; and
  - (b) without affecting sub-paragraph (a), keep any interference with water levels or flows to the minimum reasonably necessary to construct the works.
- (5) Any person who suffers loss or damage as the result of—
- (a) the suspension of any private right of navigation under this article; or
  - (b) any effect of the exercise of the powers conferred by paragraph (1) on the functioning of any intake or discharge along the canal,

shall be entitled to be paid compensation for such loss or damage by the promoter, to be determined, in case of dispute, under Part 1 of the 1961 Act.

#### Commencement Information

**I20** Art. 20 in force at 9.6.2009, see [art. 1](#)

#### Discharge of water **E+W**

**21.**—(1) The promoter may use any watercourse or any public sewer or drain for the drainage of water in connection with the construction, operation or maintenance of the authorised works and for that purpose may lay down, take up and alter pipes and may, on any land within the Order limits, or in any street along which the authorised street tramway is authorised to be laid, make openings into, and connections with, the watercourse, sewer or drain.

(2) Any dispute arising from the exercise of the power under paragraph (1) to connect to or use a public sewer or drain shall be determined as if it were a dispute under section 106 of the Water Industry Act 1991(**23**).

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

- (4) The promoter shall not make any opening into any public sewer or drain except—
- (a) in accordance with plans approved by the person to whom the sewer or drain belongs, but such approval shall not be unreasonably withheld; and
  - (b) where that person has been given the opportunity to supervise the making of the opening.

(5) The promoter shall not, in the exercise of the powers conferred by this article, damage or interfere with the bed or banks of any watercourse forming part of a main river.

(6) The promoter shall 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.

(7) This article does not authorise the entry into controlled waters of any matter whose entry or discharge into controlled waters is prohibited by section 85(1), (2) or (3) of the Water Resources Act 1991(**24**).

- (8) In this article—
- (a) “public sewer or drain” means a sewer or drain which belongs to a sewerage undertaker, the Environment Agency, an internal drainage board, a local authority or a harbour authority within the meaning of the Harbours Act 1964(**25**); and

(23) 1991 c. 56.

(24) 1991 c. 57.

(25) 1964 c. 40.



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

**Commencement Information**

**I21** Art. 21 in force at 9.6.2009, see [art. 1](#)

**Safeguarding works to buildings** **E+W**

**22.**—(1) Subject to the following provisions of this article, the promoter may at its own expense and from time to time carry out such safeguarding works to any building lying within the Order limits as the promoter considers to be necessary or expedient.

(2) Safeguarding works may be carried out—

- (a) at any time before or during the construction, in the vicinity of the building, of any part of the authorised works (other than works authorised by this article); or
- (b) after the completion of the construction of that part of the authorised works (other than works authorised by this article), at any time up to the end of the period of 5 years beginning with the day on which that part of the authorised works is first opened for use.

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

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

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

(5) Before exercising—

- (a) a right under paragraph (1) to carry out safeguarding works to a building;
- (b) a right under paragraph (3) to enter a building and any 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 promoter shall, 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 safeguarding works proposed to be carried out.

(6) Where notice is served under paragraph (5)(a), (c) or (d), the owner or occupier of the building or land concerned may, by serving a counter-notice within the period of 10 days beginning with the day on which the notice was served, require the question of whether it is necessary or expedient to carry out the safeguarding works or to enter the building or land to be referred to arbitration under article 82 (arbitration).

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

(8) Where—

- (a) safeguarding works are carried out under this article to a building; and

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- (b) within the period of 5 years beginning with the day on which the part of the authorised works constructed within the vicinity of the building is first opened for use, it appears that the safeguarding works are inadequate to protect the building against damage caused by the construction or operation of that part of the works,

the promoter shall compensate the owners and occupiers of the building for any damage sustained by them.

(9) Without affecting article 81 (no double recovery), nothing in this article shall relieve the promoter from any liability to pay compensation under section 10(2) of the 1965 Act.

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

(11) In this article “safeguarding 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 operation of the authorised works;
- (b) any works the purpose of which is to remedy any damage which has been caused to the building by the construction, maintenance or operation of the authorised works; and
- (c) any works the purpose of which is to secure the safe operation of the authorised tramway or to prevent or minimise the risk of such operation being disrupted.

#### Commencement Information

**I22** Art. 22 in force at 9.6.2009, see [art. 1](#)

### Power to construct temporary street tramway **E+W**

**23.—**(1) The promoter may, if it considers it necessary or expedient in consequence of any works executed or proposed to be executed in a street along which the authorised street tramway is constructed—

- (a) remove or discontinue the operation of the authorised street tramway; and
- (b) lay, maintain and operate in that street or in a street near to that street a temporary street tramway in place of the authorised street tramway.

(2) The powers conferred by this article may only be exercised with the consent of the street authority but such consent shall not be unreasonably withheld.

(3) The provisions of articles 8(2) (power to alter layout, etc., of streets), 9 (power to keep apparatus in streets), 10 (power to execute street works) and 49 (traffic signs) shall apply in relation to temporary street tramways laid under this article as they apply in relation to the authorised street tramway.

#### Commencement Information

**I23** Art. 23 in force at 9.6.2009, see [art. 1](#)

### Planning permission: supplementary matters **E+W**

**24.—**(1) Planning permission which is deemed by a direction under section 90(2A) of the 1990 Act to be granted in relation to works authorised by this Order shall be treated as specific planning permission for the purposes of section 264(3)(a) of that Act (cases in which land is to be treated as operational land for the purposes of that Act).

(2) In relation to the application of paragraph (3)(c) of the Second Schedule of the Form of Tree Preservation Order set out in the Schedule to the Town and Country Planning (Tree Preservation Order) Regulations 1969(26) (including that paragraph as applied by regulation 3(ii) of the Town and Country Planning (Tree Preservation Order) (Amendment) and (Trees in Conservation Areas) (Exempted Cases) Regulations 1975(27), or as incorporated in any tree preservation order), any direction under section 90(2A) of the 1990 Act deeming planning permission to be granted in relation to the works authorised by this Order shall be treated as deeming the permission to have been granted on application made under Part 3 of that Act for the purposes of that Part.

(3) In relation to the application of article 5(1)(d) of the Form of Tree Preservation Order set out in the Schedule to the Town and Country Planning (Trees) Regulations 1999(28) as incorporated in any tree preservation order or as having effect by virtue of regulation 10(1)(a) of those Regulations, any direction under section 90(2A) of the 1990 Act deeming planning permission to be granted in relation to the works authorised by this Order shall not be treated as an outline planning permission.

**Commencement Information**

**I24** Art. 24 in force at 9.6.2009, see [art. 1](#)

**Power to survey and investigate land, etc.** **E+W**

**25.**—(1) The promoter may for the purposes of this Order—

- (a) survey or investigate any land within the Order limits, any street along which the authorised street tramway is authorised to be laid and any street having a junction with such a street;
- (b) without limiting the scope of sub-paragraph (a), make trial holes in such positions as the promoter thinks fit on the land to investigate the nature of the surface layer and subsoil and remove soil samples;
- (c) without limiting the scope of sub-paragraph (a), carry out archaeological investigations on any such land;
- (d) take steps to protect or remove any flora or fauna on the land where the flora or fauna may be affected by the carrying out of the authorised works;
- (e) place on, leave on and remove from the land apparatus for use in connection with the exercise of any of the powers conferred by sub-paragraphs (a) to (d); and
- (f) enter on the land for the purpose of exercising the powers conferred by sub-paragraphs (a) to (e).

(2) No land may be entered, or equipment placed or left on or removed from the land, under paragraph (1), unless at least 7 days' notice has been served on every owner and occupier of the land.

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

- (a) shall, if so required, before or after entering the land produce written evidence of that person's 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.

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

- (a) in a carriageway or footway without the consent of the highway authority; or

(26) [S.I. 1969/17](#).

(27) [S.I. 1975/148](#).

(28) [S.I. 1999/1892](#).

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(b) in a private street without the consent of the street authority, but such consent shall not be unreasonably withheld.

(5) The promoter shall pay compensation for any damage occasioned by the exercise of the powers conferred by this article to the owners and occupiers of the land, such compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(6) Nothing in this article shall remove the need to obtain scheduled monument consent under the Ancient Monuments and Archaeological Areas Act 1979(29).

#### Commencement Information

**I25** Art. 25 in force at 9.6.2009, see [art. 1](#)

### Mode of construction and operation of authorised tramway **E+W**

**26.**—(1) The authorised tramway shall be operated by electricity or, in an emergency or for the purposes of maintenance, by diesel power or other means.

(2) The authorised street tramway and the authorised tramroad shall be constructed to a nominal gauge of 1,435 millimetres.

(3) Where the authorised tramway is constructed along a street or in any place to which the public has access (including any place to which the public has access only on making a payment), the promoter shall take such care as in all the circumstances is reasonable to ensure that the authorised tramway is constructed and maintained so that the street or other place is safe for other users.

(4) When considering what measures are required under paragraph (3) the promoter shall have particular regard to the character and usage of the street or other place and to those who could reasonably be expected to use it.

(5) Where the authorised street tramway has been constructed in a street, works by any person which affect or are likely to affect the promoter's obligations under paragraph (3), including works to any street surfaces and works affecting any equipment or apparatus placed in the street under article 9 (power to keep apparatus in streets), shall not be carried out without the consent of the promoter, which may be given subject to such reasonable terms and conditions as the promoter may impose but shall not be unreasonably withheld.

#### Commencement Information

**I26** Art. 26 in force at 9.6.2009, see [art. 1](#)

### Obstruction of construction of authorised works **E+W**

**27.** Any person who, without reasonable excuse—

- (a) obstructs another person acting under the authority of the promoter in setting out the lines of the scheduled works, or in constructing any of the authorised works; or
- (b) interferes with, moves or removes any apparatus belonging to any person acting under the authority of the promoter,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(29) 1979 c. 46.

### Commencement Information

**I27** Art. 27 in force at 9.6.2009, see [art. 1](#)

### Removal of human remains **E+W**

**28.**—(1) In this article “the specified land” means the land at Styring Street, Chilwell Road and Gregory Street numbered 262, 263, 278, 283, 297, 301, 657, 661, 662, 663, 664 and 665 on the works and land plans.

(2) Before the promoter begins to use any part of the specified land for the construction of any of the authorised works in the specified land, the promoter shall remove, or cause to be removed, from that part of the specified land, all human remains in accordance with the following provisions of this article.

(3) Before any such remains are removed from the specified land the promoter shall give notice of such intended removal, describing the specified land and stating the general effect of the following provisions of this article, by—

- (a) publishing it once in each of two successive weeks in a newspaper circulating in the County of Nottinghamshire; and
- (b) displaying it in a conspicuous place upon or near to the specified land.

(4) As soon as reasonably possible after the first publication of a notice under paragraph (3) the promoter shall send a copy of the notice to Nottinghamshire Archives, County House, Castle Meadow Road, Nottingham NG2 1AG.

(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 promoter of that person’s intention to undertake the removal of such remains, and on the giving of such notice, if such remains can be identified, that person shall be at liberty to cause such remains to be removed and reinterred in any burial ground or cemetery in which burials may legally take place, or to be removed to, and cremated in, any crematorium, and as soon as reasonably possible after such reinterment or cremation shall provide to the promoter a certificate for the purpose of enabling compliance with paragraph (10).

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

(7) The promoter shall pay the reasonable expenses of the removal and reinterment or cremation of such remains.

(8) If—

- (a) within the said period of 56 days no notice under paragraph (5) has been given to the promoter in respect of any remains in the specified land; or
- (b) such notice is given and no application is made under paragraph (6) 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 thereafter; or
- (c) within 56 days after any order is made by the county court under paragraph (6) any person, other than the promoter, 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,

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subject to paragraph (9) the promoter shall remove the remains and cause them to be reinterred in such burial ground or cemetery in which burials may legally take place as the promoter thinks suitable for the purpose and so far as possible remains from individual graves shall be reinterred in individual containers which shall be identifiable by a record prepared with reference to the original position of burial of the remains that they contain.

(9) If the promoter 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 the person does not remove the remains, the promoter shall comply with any reasonable request that person may make in relation to the removal and reinterment or cremation of the remains.

(10) Upon the reinterment or cremation of any remains under this article—

(a) a certificate of reinterment or cremation shall be sent to the Registrar General by the promoter giving the date of reinterment or cremation and identifying the place from which the remains were removed and the place in which they were reinterred or cremated; and

(b) a copy of the certificate of reinterment or cremation and the record mentioned in paragraph (8) shall be sent by the promoter to the address mentioned in paragraph (4).

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

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

(13) Section 25 of the Burial Act 1857(30) shall not apply to a removal carried out in accordance with this article.

#### Commencement Information

**I28** Art. 28 in force at 9.6.2009, see [art. 1](#)

## PART 3 **E+W**

### ACQUISITION AND POSSESSION OF LAND

#### *Powers of acquisition*

#### **Power to acquire land** **E+W**

**29.**—(1) The promoter may acquire compulsorily so much of the land shown on the works and land plans as lying within the permanent limits as may be required for or in connection with the authorised works and may use any land so acquired for those purposes or for any other purpose ancillary to its tramway undertaking.

(2) Nothing in paragraph (1) shall authorise the promoter to acquire compulsorily any of the lands mentioned in Schedule 6 (land not to be acquired compulsorily), or any rights over those lands, but the promoter may acquire by agreement any part of those lands, or any rights over them, and use them, for the purposes referred to in that paragraph.

(3) This article is subject to article 34 (new rights only to be acquired in certain lands).

(30) 1857 c. 81.

**Commencement Information**

**I29** Art. 29 in force at 9.6.2009, see [art. 1](#)

**Application of Part 1 of the Compulsory Purchase Act 1965** **E+W**

**30.**—(1) Part 1 of the 1965 Act, in so far as not modified by or inconsistent with the provisions of this Order, shall apply to the acquisition of land under this Order—

- (a) as it applies to a compulsory purchase to which the Acquisition of Land Act 1981<sup>(31)</sup> applies; and
- (b) as if this Order were a compulsory purchase order under that Act.

(2) Part 1 of the 1965 Act, as so applied, shall have effect as if section 4 (which provides a time limit for compulsory purchase of land) and paragraph 3(3) of Schedule 3 (which makes provision as to the giving of bonds) were omitted.

**Commencement Information**

**I30** Art. 30 in force at 9.6.2009, see [art. 1](#)

**Application of Compulsory Purchase (Vesting Declarations) Act 1981** **E+W**

**31.**—(1) The Compulsory Purchase (Vesting Declarations) Act 1981<sup>(32)</sup> shall apply as if this Order were a compulsory purchase order.

(2) The Compulsory Purchase (Vesting Declarations) Act 1981, as so applied by paragraph (1), shall have effect with the following modifications.

(3) In section 3 (preliminary notices), for subsection (1) there shall be substituted—

“(1) Before making a declaration under section 4 with respect to any land which is subject to a compulsory purchase order the acquiring authority shall include the particulars specified in subsection (3) in a notice which is—

- (a) given to every person with a relevant interest in the land with respect to which the declaration is to be made (other than a mortgagee who is not in possession); and
- (b) published in a local newspaper circulating in the area in which the land is situated.”.

(4) In that section, in subsection (2), for “(1)(b)” there shall be substituted “(1)” and after “given” there shall be inserted “and published”.

(5) In that section, for subsections (5) and (6) there shall be substituted—

“(5) For the purposes of this section, a person has a relevant interest in land if—

- (a) that person is for the time being entitled to dispose of the fee simple of the land, whether in possession or reversion; or
- (b) that person holds, or is entitled to the rents and profits of, the land under a lease or agreement, the unexpired term of which exceeds one month.”.

(6) In section 5 (earliest date for execution of declaration)—

<sup>(31)</sup> 1981 c. 67.

<sup>(32)</sup> 1981 c. 66.

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(a) in subsection (1), after “publication” there shall be inserted “in a local newspaper circulating in the area in which the land is situated”; and

(b) subsection (2) shall be omitted.

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

(8) References to the 1965 Act shall be construed as references to that Act as applied to the acquisition of land by article 30 (application of Part 1 of the Compulsory Purchase Act 1965).

#### Commencement Information

**I31** Art. 31 in force at 9.6.2009, see [art. 1](#)

### Power to acquire new rights **E+W**

**32.**—(1) The promoter may compulsorily acquire such easements or other rights over any land within the permanent limits as may be required for any purpose for which that land may be acquired, by creating them as well as by acquiring easements or other rights already in existence.

(2) Subject to section 8 of the 1965 Act (as substituted by paragraph 5 of Schedule 7 (modification of compensation and compulsory purchase enactments for creation of new rights)), where the promoter acquires a right over land under paragraph (1) the promoter shall not be required to acquire a greater interest in that land.

(3) Schedule 7 shall have 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 or article 34 (new rights only to be acquired in certain lands) of a right over land by the creation of a new right.

#### Commencement Information

**I32** Art. 32 in force at 9.6.2009, see [art. 1](#)

### Power to acquire subsoil only **E+W**

**33.**—(1) The promoter may compulsorily acquire so much of, or such rights in, the subsoil of the land within the permanent limits as may be required for any purpose for which that land may be acquired instead of acquiring the whole of the land.

(2) Where the promoter acquires any part of, or rights in, the subsoil of land under paragraph (1) the promoter shall not be required to acquire an interest in any other part of the land.

(3) Paragraph (2) shall not prevent article 40 (acquisition of part of certain properties) from applying where the promoter acquires a cellar, vault, arch or other construction forming part of a house, building or manufactory.

#### Commencement Information

**I33** Art. 33 in force at 9.6.2009, see [art. 1](#)



## New rights only to be acquired in certain lands **E+W**

**34.**—(1) In the case of the land specified in Schedule 8 (acquisition of new rights only) the promoter's powers of compulsory acquisition under article 29 (power to acquire land) shall be limited to the acquisition of such easements or other new rights in the land as it may require for the purposes of exercising the powers of article 19 (attachment of equipment to buildings) and using and maintaining any apparatus affixed in the exercise of those powers.

(2) Where the promoter acquires easements or other new rights in the land specified in Schedule 8, article 32(2) (power to acquire new rights) shall apply as it applies to the acquisition of a new right under that article.

### Commencement Information

**I34** Art. 34 in force at 9.6.2009, see [art. 1](#)

## Rights under or over streets **E+W**

**35.**—(1) The promoter may enter upon and appropriate so much of the surface, subsoil of, or air space over, any street shown on the works and land plans and described in the book of reference as may be required for the purposes of the authorised works and may use the surface, subsoil and air space for those purposes or any other purpose ancillary to its tramway undertaking.

(2) Subject to paragraph (4), the power under paragraph (1) may be exercised in relation to a street without the promoter being required to acquire any part of the street or any easement or right in the street.

(3) 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 promoter acquiring any part of that person's interest in the land, and who suffers loss by the exercise of that power, shall be entitled to compensation, the amount of such compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(4) Paragraph (2) shall not apply in relation to—

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

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

(6) The promoter may exercise the powers of paragraph (1) and appropriate any other land shown on the works and land plans and described in the book of reference as may be required for the purposes of the authorised works, regardless of anything contained in or done pursuant to section 53 of the Nottingham Inclosure Act or Part 1 of, or Schedule 2 to, the Commons Act 2006(**33**).

### Commencement Information

**I35** Art. 35 in force at 9.6.2009, see [art. 1](#)

*Status: Point in time view as at 09/06/2009.*

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### *Temporary possession of land*

#### **Temporary use of land for construction of works** **E+W**

- 36.**—(1) The promoter may, in connection with the carrying out of the authorised works—
- (a) enter upon and take temporary possession of—
    - (i) so much of the land shown on the works and land plans as lying within the temporary limits for the purpose specified in relation to that land in column (3) of Schedule 9 (land of which temporary possession may be taken) relating to the scheduled works (or any of them) specified in column (4) of that Schedule; and
    - (ii) any of the land within the permanent limits in respect of which no notice of entry has been served under section 11 of the 1965 Act or no declaration has been made under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981;
  - (b) remove any buildings and vegetation from that land; and
  - (c) construct temporary works (including the provision of means of access) and buildings on the land.
- (2) Not less than 14 days before exercising the powers conferred by paragraph (1) the promoter shall serve notice of the intended entry on the owners and occupiers of the land.
- (3) The promoter may not, without the agreement of the owners of the land, remain in possession of any land of which temporary possession has been taken under this article—
- (a) in the case of land within the temporary limits, after the end of the period of 2 years beginning with the date of completion of the work specified in relation to that land in column (4) of Schedule 9; or
  - (b) in the case of land within the permanent limits, after the end of the period of 2 years beginning with the date of completion of the work for which temporary possession of the land was taken unless the promoter has, by the end of that period, served a notice of entry under section 11 of the 1965 Act or made a declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 in relation to that land.
- (4) Before giving up possession of land of which temporary possession has been taken under this article, the promoter shall remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land; but the promoter shall not be required to replace a building removed under this article.
- (5) The promoter shall 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.
- (6) Any dispute as to a person's entitlement to compensation under paragraph (5), or as to the amount of the compensation, shall be determined under Part 1 of the 1961 Act.
- (7) Without affecting article 81 (no double recovery), nothing in this article shall affect any liability to pay compensation under section 10(2) of the 1965 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) Where the promoter takes possession of land under this article, it shall not be required to acquire the land or any interest in it.
- (9) Section 13 of the 1965 Act shall apply to the temporary use of land pursuant to this article to the same extent as it applies to the acquisition of land under this Order by virtue of article 30(1) (application of Part 1 of the Compulsory Purchase Act 1965).

**Commencement Information**

**I36** Art. 36 in force at 9.6.2009, see [art. 1](#)

**Temporary use of land for maintenance of works** **E+W**

**37.**—(1) Subject to paragraph (2), at any time during the maintenance period relating to any of the scheduled works, the promoter may—

- (a) enter upon and take temporary possession of any land within the Order limits reasonably required for the purpose of maintaining the work or any ancillary works connected with it or securing the safe operation of any such work; and
- (b) construct such temporary works (including the provision of means of access) and buildings on the land as may be reasonably necessary for that purpose.

(2) Paragraph (1) shall not authorise the promoter 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 promoter shall serve notice of the intended entry on the owners and occupiers of the land.

(4) The promoter may only remain in possession of land under this article for so long as may be reasonably necessary to carry out the maintenance works 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 promoter shall remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land.

(6) The promoter shall 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, shall be determined under Part 1 of the 1961 Act.

(8) Without affecting article 81 (no double recovery), nothing in this article shall affect any liability to pay compensation under section 10(2) of the 1965 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 promoter takes possession of land under this article, it shall not be required to acquire the land or any interest in it.

(10) The powers of this article shall not be exercised in relation to any street without the consent of the street authority, which shall not be unreasonably withheld.

(11) Section 13 of the 1965 Act shall apply to the temporary use of land pursuant to this article to the same extent as it applies to the acquisition of land under this Order by virtue of article 30(1) (application of Part 1 of the Compulsory Purchase Act 1965).

(12) In this article “the maintenance period”, in relation to a scheduled work, means the period of 5 years beginning with the date on which the work is opened for public use.

**Commencement Information**

**I37** Art. 37 in force at 9.6.2009, see [art. 1](#)

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## *Compensation*

### **Disregard of certain interests and improvements** E+W

**38.**—(1) In assessing the compensation (if any) payable to any person on the acquisition from that person of any land or interest in land under this Order, the tribunal shall 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 executed or improvement or alteration made on relevant land,

if the tribunal is satisfied that the creation of the interest, the erection of the building, the execution of the works or the making of the improvement or alteration 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 executed or the improvement or alteration made, directly or indirectly concerned.

#### **Commencement Information**

**I38** Art. 38 in force at 9.6.2009, see [art. 1](#)

### **Set-off for enhancement in value of retained land** E+W

**39.**—(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 shall 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 works.

(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 32 (power to acquire new rights), the tribunal shall 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 acquired; 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 works.

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

#### **Commencement Information**

**I39** Art. 39 in force at 9.6.2009, see [art. 1](#)

## *Supplementary*

### **Acquisition of part of certain properties** E+W

**40.**—(1) This article shall apply instead of section 8(1) of the 1965 Act (as applied by article 30 (application of Part 1 of the Compulsory Purchase Act 1965)) in any case where—

- (a) a notice to treat is served on a person (“the owner”) under the 1965 Act (as so applied) in respect of land forming only part of a house, building or manufactory or of land consisting of a house with a park or garden (“the land subject to the notice to treat”); and
- (b) a copy of this article is served on the owner with the notice to treat.

(2) In such a case, the owner may, within the period of 21 days beginning with the day on which the notice was served, serve on the promoter a counter-notice objecting to the sale of the land subject to the notice to treat and stating that the owner is willing and able to sell the whole (“the land subject to the counter-notice”).

(3) If no such counter-notice is served within that period, the owner shall be required to sell the land subject to the notice to treat.

(4) If such a counter-notice is served within that period, the question of whether the owner shall be required to sell only the land subject to the notice to treat shall, unless the promoter agrees to take the land subject to the counter-notice, be referred to the tribunal.

(5) If on such a reference the tribunal determine that the land subject to the notice to treat can be taken—

- (a) without material detriment to the remainder of the land subject to the counter-notice; or
- (b) in the case of part of land consisting of a house with a park or garden, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house,

the owner shall be required to sell the land subject to the notice to treat.

(6) If on such a reference the tribunal determine that only part of the land subject to the notice to treat can be taken—

- (a) without material detriment to the remainder of the land subject to the counter-notice; or
- (b) in the case of part of land consisting of a house with a park or garden, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house,

the notice to treat shall be deemed to be a notice to treat for that part.

(7) If on such a reference the tribunal determine that—

- (a) the land subject to the notice to treat cannot be taken without material detriment to the remainder of the land subject to the counter-notice; but
- (b) the material detriment is confined to a part of the land subject to the counter-notice,

the notice to treat shall be deemed to be a notice to treat for the land to which the material detriment is confined in addition to the land already subject to the notice, whether or not the additional land is land which the promoter is authorised to acquire compulsorily under this Order.

(8) If the promoter agrees to take the land subject to the counter-notice, or if the tribunal determine that—

- (a) none of the land subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice or, as the case may be, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house; and
- (b) the material detriment is not confined to a part of the land subject to the counter-notice,

the notice to treat shall be deemed to be a notice to treat for the land subject to the counter-notice whether or not the whole of that land is land which the promoter is authorised to acquire compulsorily under this Order.

(9) In any case where by virtue of a determination by the tribunal under this article a notice to treat is deemed to be a notice to treat for less land or more land than that specified in the notice, the

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promoter may, within the period of 6 weeks beginning with the day on which the determination is made, withdraw the notice to treat; and, if it does so, shall pay to the owner compensation for any loss or expense occasioned to the owner by the giving and withdrawal of the notice, to be determined in case of dispute by the tribunal.

(10) Where the owner is required under this article to sell only part of a house, building or manufactory or of land consisting of a house with a park or garden, the promoter shall pay the owner compensation for any loss sustained by the owner due to the severance of that part in addition to the value of the interest acquired.

#### Commencement Information

**I40** Art. 40 in force at 9.6.2009, see [art. 1](#)

### Extinction or suspension of private rights of way **E+W**

**41.**—(1) Subject to the provisions of this article, all private rights of way over land subject to compulsory acquisition under this Order shall be extinguished—

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

whichever is sooner.

(2) Subject to the provisions of this article, all private rights of way over land owned by the promoter which is within the permanent limits and is required for the purposes of this Order, shall be extinguished on the appropriation of the land for any of those purposes by the promoter.

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

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

(5) This article does not apply in relation to any right of way to which section 271 or 272 of the 1990 Act (extinguishment of rights of statutory undertakers, etc.) or paragraph 2 of Schedule 11 (provisions relating to statutory undertakers, etc.) applies.

(6) Paragraphs (1), (2) and (3) shall have effect subject to—

- (a) any notice given by the promoter before the completion of the acquisition of the land, the promoter's appropriation of it, the promoter's entry onto it or the promoter's taking temporary possession of it, as the case may be, that any or all of those paragraphs shall not apply to any right of way specified in the notice; and
- (b) any agreement made (whether before or after any of the events mentioned in subparagraph (a) and before or after the coming into force of this Order) between the promoter and the person in or to whom the right of way in question is vested or belongs.

(7) If any such agreement as is referred to in paragraph (6)(b) which is made with a person in or to whom the right of way is vested or belongs is expressed to have effect also for the benefit of those deriving title from or under that person, it shall be effective in respect of the persons so deriving title, whether the title was derived before or after the making of the agreement.

**Commencement Information**

**I41** Art. 41 in force at 9.6.2009, see [art. 1](#)

**Open space in the City of Nottingham** **E+W**

**42.**—(1) The City open space shall not vest in the promoter until the promoter has acquired the City exchange land and, upon a request made by the promoter, the City Council has certified that a scheme for the provision of the City exchange land as open space has been implemented to its satisfaction.

(2) Upon the requirements of paragraph (1) being satisfied, the City exchange land shall vest in the City Council subject to the like rights, trusts and incidents as attached to the City open space and, on the vesting of the City exchange land, the City open space shall be discharged from all rights, trusts and incidents to which it was previously subject.

(3) In this article—

- (a) “the City exchange land” means the land in the City numbered 726, 727 and 728 on the works and land plans and coloured green on the open space and exchange land plans; and
- (b) “the City open space” means the open space comprised in the land in the City shown numbered 716, 724 and 725 on the works and land plans and coloured red on the open space and exchange land plans.

**Commencement Information**

**I42** Art. 42 in force at 9.6.2009, see [art. 1](#)

**Open space in the Borough of Broxtowe** **E+W**

**43.**—(1) Upon a request made by the promoter, Broxtowe Borough Council may certify that a scheme for the provision of the Broxtowe exchange land as open space has been implemented to its satisfaction.

(2) Upon Broxtowe Borough Council certifying the implementation to its satisfaction of a scheme as described in paragraph (1), the Broxtowe exchange land shall vest in Broxtowe Borough Council subject to the like rights, trusts and incidents as attached to the Broxtowe open space and, on the vesting of the Broxtowe exchange land, the Broxtowe open space shall be discharged from all rights, trusts and incidents to which it was previously subject.

(3) In this article—

- (a) “the Broxtowe exchange land” means the land in the Borough of Broxtowe shown numbered 14 on the works and land plans and hatched green on the open space and exchange land plans; and
- (b) “the Broxtowe open space” means the open space comprised in land in the Borough of Broxtowe shown numbered 26, 32, 33, 37, 42, 66, 262, 504, 507, 510 and 511 on the works and land plans and hatched red on the open space and exchange land plans.

**Commencement Information**

**I43** Art. 43 in force at 9.6.2009, see [art. 1](#)

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## Open space in the Borough of Rushcliffe **E+W**

44.—(1) The Rushcliffe open space shall not vest in the promoter until the promoter has acquired the Rushcliffe exchange land and, upon a request made by the promoter, Rushcliffe Borough Council has certified that—

- (a) the Rushcliffe exchange land is no less in area than the Rushcliffe open space; and
- (b) a scheme for the provision of the Rushcliffe exchange land as open space has been implemented to its satisfaction.

(2) Upon the requirements of paragraph (1) being satisfied, the Rushcliffe exchange land shall vest in Rushcliffe Borough Council subject to the like rights, trusts and incidents as attached to the Rushcliffe open space and, on the vesting of the Rushcliffe exchange land, the Rushcliffe open space shall be discharged from all rights, trusts and incidents to which it was previously subject.

(3) In this article—

- (a) “the operational land” means so much of the land shown numbered 1142 on the works and land plans as is required for the operation, maintenance and use of the authorised tramway following the completion of the construction of Work No.15;
- (b) “the Rushcliffe exchange land” means the land shown numbered 1140, 1141, 1142, 1143, 1144 and 1145 on the works and land plans and cross-hatched green on the open space and exchange land plans, with the exclusion of the operational land; and
- (c) “the Rushcliffe open space” means the open space comprised in land in the Borough of Rushcliffe shown numbered 1042 on the works and land plans and cross-hatched red on the open space and exchange land plans.

### Commencement Information

**I44** Art. 44 in force at 9.6.2009, see [art. 1](#)

## Time limit for exercise of powers of acquisition **E+W**

45.—(1) After the end of the period of 5 years beginning with the day on which this Order comes into force—

- (a) no notice to treat shall be served under Part 1 of the 1965 Act, as applied to the acquisition of land by article 30 (application of Part 1 of the Compulsory Purchase Act 1965); and
- (b) no declaration shall be executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981, as applied by article 31 (application of Compulsory Purchase (Vesting Declarations) Act 1981).

(2) The power conferred by article 36 (temporary use of land for construction of works) to enter upon and take temporary possession of land shall cease at the end of the period mentioned in paragraph (1); but this paragraph shall not prevent the promoter from remaining in possession of land in accordance with article 36 after the end of that period, if the land was entered and possession of it was taken before the end of that period.

### Commencement Information

**I45** Art. 45 in force at 9.6.2009, see [art. 1](#)



## PART 4 **E+W**

### OPERATION OF THE AUTHORISED TRAMWAY

#### Power to operate and use authorised tramway **E+W**

**46.**—(1) The promoter may operate and use the authorised tramway and the other authorised works as a system, or part of a system, of transport for the carriage of passengers and goods.

(2) Subject to paragraph (4) and article 55 (powers of disposal, agreements for operation, etc.), the promoter shall, for the purpose of operating the authorised tramway, have the exclusive right—

- (a) to use the rails, foundations, cables, masts, overhead wires and other apparatus used for operation of the authorised tramway; and
- (b) to occupy any part of the street in which that apparatus is situated.

(3) Any person who, without the consent of the promoter or other reasonable excuse, uses the apparatus mentioned in paragraph (2) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) Nothing in this article shall restrict the exercise of any public right of way over any part of a street in which apparatus is situated in pursuance of the provisions of this Order except to the extent that the exercise of the right is constrained by the presence of the apparatus.

(5) The authorised tramway and the other authorised works may be operated and used under the powers conferred by this article regardless of anything contained in or done pursuant to section 53 of the Nottingham Inclosure Act, or Part 1 of, or Schedule 2 to, the Commons Act 2006<sup>(34)</sup>.

#### Commencement Information

**I46** Art. 46 in force at 9.6.2009, see [art. 1](#)

#### Power to charge fares **E+W**

**47.**—(1) The promoter may demand, take and recover or waive such charges for carrying passengers or goods on the authorised tramway, or for any other services or facilities provided in connection with the authorised tramway, as it thinks fit.

(2) The promoter may enter into and carry into effect agreements with other persons providing public passenger transport services with regard to the issue of tickets and the making of through ticketing arrangements or for the purpose of generally co-ordinating the provision of those services with the operation of the authorised tramway.

(3) In this article “public passenger transport service” has the meaning given by section 63(10) (a) of the Transport Act 1985<sup>(35)</sup>.

#### Commencement Information

**I47** Art. 47 in force at 9.6.2009, see [art. 1](#)

<sup>(34)</sup> 2006 c. 26

<sup>(35)</sup> 1985 c. 67.

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## Removal of obstructions **E+W**

**48.**—(1) If any obstruction is caused to tramcars using the authorised tramway by a vehicle waiting, loading, unloading or breaking down on any part of the tramway, the person in charge of the vehicle shall forthwith remove it; and if that person fails to do so the promoter may take all reasonable steps to remove the obstruction and may recover the expenses reasonably incurred in doing so from—

- (a) any person by whom the vehicle was put or left so as to become an obstruction to tramcars; or
- (b) any person who was the owner of the vehicle at that time unless that person shows that, at that time, the person was not concerned in or aware of the vehicle being so put or left.

(2) If any obstruction is caused to tramcars using the authorised tramway by a load falling on the tramway from a vehicle, the person in charge of the vehicle shall forthwith remove the load from the tramway; and if that person fails to do so, the promoter may take all reasonable steps to remove the load and may recover the expenses reasonably incurred in doing so from—

- (a) any person who was in charge of the vehicle at the time when the load fell from it; or
- (b) any person who was the owner of the vehicle at that time unless that person shows that, at that time, the person was not concerned in, or aware of, the vehicle being in the place at which the load fell from it.

(3) For the purposes of this article the owner of a vehicle shall be taken to be the person by whom the vehicle is kept; and in determining for those purposes who was the owner of the vehicle at any time, it shall be presumed (unless the contrary appears) that the owner was the person in whose name the vehicle was at that time registered under the Vehicles Excise and Registration Act 1994<sup>(36)</sup>.

(4) A person who, wilfully and without lawful excuse—

- (a) interferes with or removes the authorised tramway or any part of the authorised tramway or the works connected with it;
- (b) places or throws materials or objects of any kind on any part of the authorised tramway; or
- (c) does anything which obstructs any tramcar using the authorised tramway, whether or not such obstruction endangers the lives of any person in the tramcar,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

### Commencement Information

**I48** Art. 48 in force at 9.6.2009, see [art. 1](#)

## Traffic signs **E+W**

**49.**—(1) The promoter may, for the purposes of, or in connection with the construction or operation of, the authorised tramway, place or maintain traffic signs of a type prescribed by regulations made under section 64(1)(a) of the 1984 Act or of a character authorised by the Secretary of State on any street in which the authorised tramway is laid or which gives access to such a street, or on any street in connection with any instrument made under article 50 (traffic regulation) or any other street as reasonably required for conveying information to traffic.

(2) The promoter—

- (a) shall consult with the traffic authority as to the placing of signs; and

<sup>(36)</sup> 1994 c. 22.

- (b) unless the traffic authority is unwilling to do so and subject to any directions given under section 65 of the 1984 Act, shall enter into arrangements with the traffic authority for the signs to be placed and maintained by the traffic authority.
- (3) Any power conferred by section 65 of the 1984 Act to give directions to a traffic authority or local traffic authority as to traffic signs shall include a power to give directions to the promoter as to traffic signs under this article; and, accordingly, the powers conferred by paragraph (1) shall be exercisable subject to and in conformity with any directions given under that section.
- (4) A traffic authority or other authority having power under or by virtue of the 1984 Act to place and maintain, or cause to be placed and maintained, traffic signs on any street in which the authorised tramway is laid or which gives access to such a street shall consult with the promoter as to the placing of any traffic sign which would affect the operation of the authorised tramway.
- (5) Tramcars shall be taken to be public service vehicles for the purposes of section 122(2)(c) of the 1984 Act.
- (6) Expressions used in this article and in the 1984 Act shall have the same meaning in this article as in that Act.

**Commencement Information**

**149** Art. 49 in force at 9.6.2009, see [art. 1](#)

**Traffic regulation** **E+W**

**50.**—(1) Subject to the provisions of this article, and the consent of the traffic authority in whose area the road concerned is situated, which consent shall not be unreasonably withheld, the promoter may, for the purposes of the authorised tramway—

- (a) permit, prohibit or restrict the stopping, waiting, loading or unloading of vehicles in the manner specified in Part 1 of Schedule 10 (traffic regulation) on those roads specified in column (2) and along the lengths and between the points specified in column (3) of that Part of that Schedule;
- (b) authorise the use as a parking place in the manner specified in Part 2 of Schedule 10 of those roads specified in column (2) and along the lengths, between the points and to the extent specified in column (3) of that Part of that Schedule;
- (c) make provision as to the direction of vehicular traffic in the manner specified in Part 3 of Schedule 10 on the roads specified in column (2) and along the lengths, between the points and as respects direction to the extent specified in column (3) of that Part of that Schedule; and
- (d) permit or prohibit vehicular access in the manner specified in Part 4 of Schedule 10 to those roads specified in column (2) and along the lengths, between the points and as respects direction to the extent specified in column (3) of that Part of that Schedule.

(2) Without limiting the scope of the specific powers conferred by paragraph (1) but subject to the provisions of this article and the consent of the traffic authority in whose area the road concerned is situated, which consent shall not be unreasonably withheld, the promoter may, in so far as may be necessary or expedient for the purposes of, in connection with, or in consequence of the construction, maintenance or operation of the authorised tramway—

- (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;

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- (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 promoter.

(3) The powers conferred by paragraphs (1) and (2) may be exercised at any time prior to the expiry of 12 months from the opening of the authorised tramway for public use but subject to paragraph (7) any prohibition, restriction or other provision made under paragraph (1) or (2) may have effect both before and after the expiry of that period.

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

(5) The promoter shall not exercise the powers conferred by paragraph (1) or (2) unless it has—

- (a) given not less than—
  - (i) 12 weeks' notice in writing of its intention so to do in the case of a prohibition, restriction or other provision intended to have effect permanently; or
  - (ii) 4 weeks' notice in writing of its intention so to do in the case of a prohibition, restriction or other provision intended to have effect temporarily,

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

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

(6) Any prohibition, restriction or other provision made by the promoter under paragraph (1) or (2) shall—

- (a) have 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 of the 1984 Act,

and the instrument by which it is effected may specify savings and exemptions (in addition to those mentioned in Schedule 10) to which the prohibition, restriction or other provision is subject; and

- (b) be deemed to be a traffic order for the purposes of Schedule 7 to the Traffic Management Act 2004<sup>(37)</sup> (road traffic contraventions subject to civil enforcement).

(7) Any prohibition, restriction or other provision made under this article may be suspended, varied or revoked by the promoter from time to time by subsequent exercise of the powers of paragraph (2) within a period of 24 months from the opening of the authorised tramway for public use.

(8) Before exercising the powers of paragraph (2) the promoter shall consult such persons as it considers necessary and appropriate and shall take into consideration any representations made to it by any such person.

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

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<sup>(37)</sup> 2004 c. 18.

(10) The powers conferred on the promoter by this article with respect to any road shall have effect subject to any agreement entered into by the promoter with any person with an interest in (or who undertakes activities in relation to) premises served by the road.

**Commencement Information**

**I50** Art. 50 in force at 9.6.2009, see [art. 1](#)

**Power to lop trees overhanging authorised tramway** **E+W**

**51.**—(1) The promoter may fell or lop any tree or shrub near any part of the authorised tramway, or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub—

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

(2) In exercising the powers in paragraph (1), the promoter shall do no unnecessary damage to any tree or shrub and shall pay compensation to any person for any loss or damage arising from the exercise of those powers.

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

**Commencement Information**

**I51** Art. 51 in force at 9.6.2009, see [art. 1](#)

**Trespass on the authorised tramroad** **E+W**

**52.**—(1) Any person who—

- (a) trespasses on the authorised tramroad; or
- (b) trespasses upon any land of the promoter in dangerous proximity to the authorised tramroad or to any electrical or other apparatus used for or in connection with the operation of the authorised tramroad,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) No person shall be convicted of an offence under this article unless it is shown that a notice warning the public not to trespass upon the authorised tramroad was clearly exhibited and maintained at the stop on the authorised tramway nearest the place where the offence is alleged to have been committed.

**Commencement Information**

**I52** Art. 52 in force at 9.6.2009, see [art. 1](#)

**Power to make byelaws** **E+W**

**53.**—(1) The promoter may make byelaws regulating—

- (a) the use and operation of, and travel on, the authorised tramway;

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- (b) the maintenance of safety and order on the authorised tramway, on any street along which the authorised tramway is laid and on tramway premises or other facilities provided in connection with the authorised tramway, where necessary to ensure the safe operation and use of the authorised tramway; and
  - (c) the conduct of all persons, including employees of the promoter, while on the authorised tramway or on tramway premises, or which could affect the safe operation and use of the authorised tramway.
- (2) In particular, byelaws made under this article may make provision—
- (a) with respect to tickets issued for travel on the authorised tramway (in whatever form), the payment of fares and charges and the evasion of payment of fares and charges;
  - (b) with respect to interference with, or obstruction of, the operation of the authorised tramway or other facilities provided in connection with the authorised tramway;
  - (c) with respect to access to and the carriage, use or consumption of anything on tramway premises;
  - (d) with respect to the prevention of nuisances on tramway premises;
  - (e) for regulating the passage of bicycles and other vehicles on ways and other places intended for the use of persons on foot within tramway premises;
  - (f) for the safe custody and re-delivery or disposal of any property accidentally left on tramway premises and for fixing the charges made in respect of any such property;
  - (g) for prohibiting or restricting the placing or leaving of any vehicle without its driver on any part of the authorised tramway or on tramway premises; and
  - (h) for regulating (but not requiring) the maintenance of, or the carrying out of works to, the facades of buildings to which any equipment has been attached pursuant to article 19 (attachment of equipment to buildings), or which front onto the authorised tramway, where necessary to ensure the safe operation and use of the authorised tramway.
- (3) Byelaws made under this article may provide for it to be an offence for a person to contravene, or to fail to comply with, a provision of the byelaws and for such a person to be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) Without affecting the taking of proceedings for an offence included in byelaws by virtue of paragraph (3), if the contravention of, or failure to comply with, any byelaw made under this article is attended with danger or annoyance to the public, or hindrance to the promoter in the operation of the authorised tramway, the promoter may summarily take action to obviate or remove the danger, annoyance or hindrance.
- (5) Byelaws made under this article shall not come into operation until they have been confirmed by the Secretary of State.
- (6) At least 28 days before applying for any byelaws to be confirmed under this article, the promoter shall publish in such manner as may be approved by the Secretary of State a notice of its intention to apply for the byelaws to be confirmed and of the place at which and the times during which a copy of the byelaws will be open to public inspection; and any person affected by any of the byelaws may make representations on them to the Secretary of State within a period specified in the notice, being a period of not less than 28 days.
- (7) For at least 24 days before an application is made under this article for byelaws to be confirmed, a copy of the byelaws shall—
- (a) be kept at the principal office of the promoter and shall at all reasonable hours be open to public inspection without payment; and
  - (b) be made available on the promoter's website (if any).

(8) The promoter shall, at the request of any person, supply that person with a copy of any such byelaws on payment of such reasonable sum as the promoter may determine.

(9) The Secretary of State may confirm with or without modification, or may refuse to confirm, any of the byelaws submitted under this article for confirmation and, as regards any byelaws so confirmed, may fix a date on which the byelaws shall come into operation; and if no date is so fixed the byelaws shall come into operation after the expiry of 28 days after the date on which they were confirmed.

(10) The Secretary of State may charge the promoter such fees in respect of any byelaws submitted for confirmation under this article as the Secretary of State may consider appropriate for the purposes of defraying any administrative expenses incurred in connection with the confirmation of those byelaws.

(11) A copy of any byelaws when confirmed shall be printed and deposited at the principal office of the promoter and shall at all reasonable hours be open to public inspection without payment, and the promoter shall, at the request of any person, supply that person with a copy of any such byelaws on payment of such reasonable sum as the promoter shall determine.

(12) The production of a printed copy of any byelaws made under this article on which is endorsed a certificate purporting to be signed by a person duly authorised by the promoter stating—

- (a) that the byelaws were made by the promoter;
- (b) that the copy is a true copy of the byelaws;
- (c) that on a specified date the byelaws were confirmed by the Secretary of State; and
- (d) the date when the byelaws came into operation,

shall be rebuttable evidence of the facts stated in the certificate.

(13) From the beginning of the day on which, pursuant to article 83(2) (repeals of the 1994 Act), the enactments within the 1994 Act specified in Part 2 of Schedule 15 (repeals of the 1994 Act) are repealed, and despite the repeal of section 62 of the 1994 Act by that article, the byelaws then applying to Line One and made under that section shall continue to apply to Line One until such time as they are revoked or amended by byelaws made by the promoter under this article.

(14) From the beginning of the day on which the authorised works are first brought into public use, the byelaws then applying to Line One by virtue of paragraph (13) shall be deemed to apply to the authorised tramway as well as to Line One, as if they had been made under this article and they shall continue to apply to the authorised tramway until such time as they are revoked or amended by byelaws made by the promoter under this article.

#### Commencement Information

**I53** Art. 53 in force at 9.6.2009, see [art. 1](#)

#### Power to contract for police services **E+W**

**54.**—(1) The promoter may enter into any agreement with a police authority and its chief officer for the police force maintained by that authority to provide policing services for or in connection with the authorised tramway, including at any tramway premises.

(2) Any such agreement may provide for—

- (a) the promoter to make such payment or other consideration for those policing services as the parties may agree; and
- (b) such incidental and ancillary matters as the parties consider appropriate.

(3) In this article—

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- (a) “chief officer” means a chief officer of police within the meaning of the Police Act 1996<sup>(38)</sup> or the Chief Constable of the British Transport Police Force; and
- (b) “police authority” means a police authority within the meaning of that Act or the British Transport Police Authority within the meaning of the Railways and Transport Safety Act 2003<sup>(39)</sup>.

#### Commencement Information

**I54** Art. 54 in force at 9.6.2009, see [art. 1](#)

#### Powers of disposal, agreements for operation, etc. **E+W**

**55.**—(1) The promoter may, with the consent of the Secretary of State, enter into agreements—

- (a) to transfer, charge or otherwise dispose of to another person (“the transferee”) any interest of the promoter in the authorised works or the promoter’s right to construct, maintain, use or operate the authorised works; or
- (b) to grant to another person (“the lessee”) for a period agreed between the promoter and the lessee any interest of the promoter in the authorised works or the promoter’s right to construct, maintain, use or operate the authorised works; and
- (c) that are connected with or consequential on any agreement entered into under subparagraph (a) or (b).

(2) Any agreement referred to in paragraph (1) may provide—

- (a) for any matters that are connected with the matters referred to in that paragraph or are consequential on them;
- (b) for the financing or defraying of, or the making of contributions by the promoter or by any other person towards, the cost of constructing, maintaining, using or operating the authorised works; and
- (c) for the transferee, the lessee or any other person to exercise, enjoy or be responsible for any related functions of the promoter, including its functions comprised in this Order, either exclusively or concurrently with the promoter or any other person.

(3) Where an agreement has been made under paragraph (1), references in this Order to the promoter shall include references to the transferee, the lessee or any other person who may exercise, enjoy or be responsible for any related functions of the promoter pursuant to that agreement.

(4) The exercise of the powers conferred by any enactment by any person in pursuance of any agreement made under paragraph (1) shall be subject to the same restrictions, liabilities and obligations as would apply under this Order if those powers were exercised by the promoter.

(5) The promoter may provide to any person in any agreement made under paragraph (1), or in connection with or in consequence of any such agreement, or otherwise in connection with the design, construction, financing, maintenance, use or operation of the authorised works, such guarantees, indemnities or other forms of security as it considers to be necessary or appropriate.

(6) In this article—

- (a) “functions” means statutory and other powers, duties, rights, interests and obligations; and
- (b) references to the authorised works shall be read as including references to any land held in connection with the authorised works.

<sup>(38)</sup> 1996 c. 16.

<sup>(39)</sup> 2003 c. 20.



**Commencement Information**

**I55** Art. 55 in force at 9.6.2009, see [art. 1](#)

**Application of landlord and tenant law** **E+W**

**56.**—(1) This article applies to—

- (a) any agreement for leasing to any person the whole or any part of the authorised tramway or the right to operate the same, and
- (b) any agreement entered into by the promoter with any person for the construction, maintenance, use or operation of the authorised tramway, or any part of it,

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

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

(3) Accordingly no such enactment or rule of law shall 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.

**Commencement Information**

**I56** Art. 56 in force at 9.6.2009, see [art. 1](#)

**Tramcars deemed public service vehicles** **E+W**

**57.**—(1) On such day as may be appointed under paragraph (2), regulations made, or having effect as if made, under section 24, 25 or 60(1)(j) or (k) of the Public Passenger Vehicles Act 1981<sup>(40)</sup> shall have effect as if the tramcars used on the authorised tramway for the carriage of passengers were public service vehicles used in the provision of a local service within the meaning of the Transport Act 1985<sup>(41)</sup>.

(2) The promoter may by resolution appoint a day for the purpose of any regulation mentioned in paragraph (1), the day so appointed being fixed in accordance with paragraph (3).

(3) The promoter shall publish in a newspaper circulating in its area, notice—

- (a) of the passing of any such resolution and of the day fixed by the resolution; and
- (b) of the general effect of the enactments for the purposes of which the day has been fixed,

and the day so fixed shall not be earlier than the expiration of 28 days from the date of the publication of the notice.

<sup>(40)</sup> 1981 c. 14.

<sup>(41)</sup> 1985 c. 67.

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(4) A photostatic or other reproduction certified by a person duly authorised by the promoter to be a true reproduction of a page, or part of a page, of any newspaper bearing the date of its publication and containing the notice mentioned in paragraph (3) shall be evidence of the publication of the notice and of the date of publication.

#### Commencement Information

**I57** Art. 57 in force at 9.6.2009, see [art. 1](#)

### Substitute road services **E+W**

**58.**—(1) The promoter may provide or secure the provision by other persons of services for the carriage of passengers by road (“substitute services”) where the authorised tramway has been temporarily interrupted, curtailed or discontinued.

(2) The route, frequency and stopping places of any substitute service need not correspond with the route of the interrupted, curtailed or discontinued service.

(3) Section 6 of the Transport Act 1985 shall not apply to any substitute services.

#### Commencement Information

**I58** Art. 58 in force at 9.6.2009, see [art. 1](#)

## PART 5 **E+W**

### PENALTY FARES

### Interpretation of Part 5 **E+W**

**59.**—(1) In this Part unless the context otherwise requires—

“authorised person” means, in relation to any purpose, a person authorised for that purpose by the promoter;

“fare ticket” means a ticket authorising the person in respect of whom it is issued to travel on a tramcar;

“general travel authority” means any permit, other than a fare ticket, authorising the person in respect of whom it is issued to travel on a tramcar;

“passenger” means a person travelling on a tramcar;

“penalty fare” means a penalty fare payable pursuant to article 61 (penalty fares);

“the penalty fare provisions” means articles 61 (penalty fares) to 66 (exclusion of double liability); and

“tramway stop” means a station or other regular stopping place on the authorised tramway at which passengers may get on or off tramcars.

(2) Any reference in this Part to a passenger producing a fare ticket or general travel authority on being required to do so by an authorised person is a reference to producing, when so required, a fare ticket or general travel authority which, either by itself or together with any other document produced by the passenger at the same time, is valid for the journey made by the passenger.

(3) For the purposes of paragraph (2), a passenger who is on a tramcar shall be taken to have made a journey ending at the next scheduled tramway stop.

**Commencement Information**

**I59** Art. 59 in force at 9.6.2009, see [art. 1](#)

**Operation of Part 5** **E+W**

**60.**—(1) The penalty fare provisions shall have effect in relation to travel on any tramcar on and after such day as the Secretary of State may specify.

(2) On the application of the promoter, or if the Secretary of State considers on reasonable grounds that the promoter is not complying with the requirements of this Part, the Secretary of State may provide that the penalty fare provisions shall cease to have effect on and after such day as the Secretary of State may specify.

(3) Paragraph (2) does not affect the power of the Secretary of State to specify further days on and after which the penalty fare provisions shall have effect.

(4) Any day specified by the Secretary of State for the purposes of paragraph (1) or (2) shall be published in a newspaper circulating in the promoter's area not later than one week before that date.

(5) No day may be specified under paragraph (1) except at the request of the promoter.

**Commencement Information**

**I60** Art. 60 in force at 9.6.2009, see [art. 1](#)

**Penalty fares** **E+W**

**61.**—(1) If a passenger, on being required to do so by an authorised person, fails to produce a fare ticket or a general travel authority, the passenger shall be liable to pay a penalty fare if required to do so by an authorised person.

(2) A passenger shall not be liable to pay a penalty fare if, at any time when fare tickets are generally made available for sale at tramway stops or on tramcars, there were no facilities for the sale of the necessary ticket for the passenger's journey at the tramway stop where, and the time when, the passenger boarded the tramcar, or on the tramcar.

(3) Paragraphs (4) and (5) have effect with respect to the burden of proof, in any action for the recovery of a penalty fare under this article, so far as concerns the question whether the facts of the case fall within paragraph (2).

(4) In any case where the passenger has provided the authorised person with a relevant statement in due time it shall be for the authorised person to show that the facts of the case do not fall within paragraph (2), and in any other case it shall be for the passenger to show that the facts of the case fall within that provision.

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

- (a) a relevant statement is a statement giving an explanation of the passenger's failure to produce a fare ticket or general travel authority, together with any information as to the passenger's journey relevant to that explanation (including, in every case, an indication of the tramway stop where the passenger boarded the tramcar); and
- (b) a statement is provided in due time if it is provided when the passenger is required to produce a fare ticket or general travel authority, or at any later time before the expiration of the period of 21 days beginning with the day following the day on which the journey is completed.

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#### Commencement Information

**I61** Art. 61 in force at 9.6.2009, see [art. 1](#)

#### Amount of penalty fare **E+W**

**62.**—(1) Subject to paragraph (2), a penalty fare shall be £20 and shall be payable to the promoter before the expiration of the period of 21 days beginning with the day following the day on which the journey in respect of which it is payable is completed.

(2) The promoter may from time to time vary the amount of the penalty fare provided that—

- (a) the consent of the Secretary of State is obtained in writing to such a variation; and
- (b) a notice stating the amount of the penalty fare as so varied is published in a newspaper circulating in the promoter's area not later than 28 days before the day on which the penalty fare, as so varied, is to take effect.

#### Commencement Information

**I62** Art. 62 in force at 9.6.2009, see [art. 1](#)

#### Document to be issued in connection with penalty fare requirement **E+W**

**63.**—(1) An authorised person who requires a passenger to pay a penalty fare shall give the passenger either a receipt for the payment of the amount of the penalty (where the passenger makes that payment to the authorised person) or a notice stating that the requirement has been made.

(2) A receipt or notice given under paragraph (1) shall specify the passenger's destination on the tramcar on which the passenger is travelling when required to pay the penalty fare, and shall operate as an authority to the passenger to continue to that destination.

(3) For the purposes of paragraph (2), the passenger's destination shall (unless only one destination is possible in the circumstances) be taken to be the destination stated by the passenger or, in default of any statement by the passenger identifying the passenger's destination, such destination as may be specified by the authorised person.

#### Commencement Information

**I63** Art. 63 in force at 9.6.2009, see [art. 1](#)

#### Notice of penalty fare provisions **E+W**

**64.**—(1) It shall be the duty of the promoter to secure that a warning notice meeting the requirements of paragraph (2) is posted—

- (a) at every tramway stop, in such a position as to be readily visible to prospective passengers; and
- (b) in every tramcar, in such a position as to be readily visible to passengers travelling on that tramcar.

(2) A warning notice posted pursuant to paragraph (1) shall (however expressed) indicate the circumstances (as provided in article 61 (penalty fares)) in which passengers may be liable to pay a penalty fare and state the amount of the penalty fare.

**Commencement Information**

**I64** Art. 64 in force at 9.6.2009, see [art. 1](#)

**Supplementary provisions** **E+W**

**65.**—(1) A passenger who is required to pay a penalty fare shall, unless the passenger pays, immediately and in cash, the amount of the penalty fare to an authorised person requiring such payment, give to that authorised person, if that person requires the passenger to do so, the name and address of the passenger; and any passenger failing to do so shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(2) Where an authorised person requires any passenger to do anything pursuant to any provision of this Order the authorised person shall, if so requested by the passenger concerned, produce to that passenger a duly authenticated document showing evidence of the authorised person’s authority; and a requirement by an authorised person shall be of no effect if, as respects that requirement, the authorised person fails to comply with this paragraph.

**Commencement Information**

**I65** Art. 65 in force at 9.6.2009, see [art. 1](#)

**Exclusion of double liability** **E+W**

**66.**—(1) Where a passenger has become liable to pay a penalty fare in respect of any journey (referred to below as “the relevant journey”), no proceedings may be brought against that passenger for either of the offences specified in paragraph (2) before the end of the period mentioned in article 62(1) (amount of penalty fare); and no such proceedings may be brought after the end of that period if—

- (a) the passenger has paid the penalty fare to the promoter before the end of that period; or
- (b) an action has been brought against the passenger for the recovery of that fare.

(2) The offences mentioned in paragraph (1) are—

- (a) any offence under byelaws made under article 53 (power to make byelaws) involving a failure to obtain or produce a fare ticket or general travel authority for the relevant journey; and
- (b) any offence under section 25(3) of the Public Passenger Vehicles Act 1981<sup>(42)</sup> of contravening or failing to comply with any provision of regulations for the time being having effect by virtue of that section by failing to pay the fare properly payable for the relevant journey or any part of it.

(3) If proceedings are brought against any such passenger for any such offence the liability to pay the penalty fare shall cease and, if it has been paid, the promoter shall be liable to repay to the passenger an amount equal to the amount of that fare.

**Commencement Information**

**I66** Art. 66 in force at 9.6.2009, see [art. 1](#)

(42) 1981 c. 14.

*Status: Point in time view as at 09/06/2009.*

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## PART 6 **E+W**

### PROTECTIVE PROVISIONS

#### Statutory undertakers, etc. **E+W**

**67.** The provisions of Schedule 11 (provisions relating to statutory undertakers, etc.) shall have effect.

##### Commencement Information

**I67** Art. 67 in force at 9.6.2009, see [art. 1](#)

#### Minerals **E+W**

**68.** Nothing in this Order shall affect the right of any person entitled to any mine or minerals of any description whatsoever under a street along which the authorised street tramway is laid to work the mine or get the minerals; but this shall not affect any liability (whether civil or criminal) of the person so entitled in respect of damage to the authorised street tramway resulting from the exercise of any such right.

##### Commencement Information

**I68** Art. 68 in force at 9.6.2009, see [art. 1](#)

#### Saving for highway authorities **E+W**

**69.** Nothing in this Order shall affect any power of a highway authority to widen, alter, divert or improve any highway along which the authorised street tramway is laid.

##### Commencement Information

**I69** Art. 69 in force at 9.6.2009, see [art. 1](#)

#### Arrangements with highway authorities **E+W**

**70.**—(1) The following provisions shall, unless otherwise agreed in writing between the promoter and the highway authority concerned, have effect.

(2) In this article—

“highway” means a street vested in or maintainable by the highway authority;

“highway operations” means the construction or non-routine maintenance of any part of the authorised works which will involve interference with a highway or the traffic in a highway, any temporary stopping up, alteration or diversion of a highway, any occupation of the surface of a highway or any placing of equipment or apparatus in a highway; and

“plans” includes sections, drawings, specifications and particulars (including descriptions of methods of construction).

(3) Wherever in this article provision is made with respect to the approval or consent of the highway authority, that approval or consent shall be in writing and may be given subject to such reasonable terms and conditions as the highway authority may impose in the interests of safety and

in order to minimise inconvenience to persons using the highway, but shall not be unreasonably withheld.

(4) Prior to seeking approval under paragraph (6), the promoter shall consult the highway authority concerned as to any works to and changes in the management of the highway network which may be required to ensure the effective integration of the authorised tramway with other forms of highway traffic and, within 28 days of being requested in writing by the promoter to do so, the highway authority shall provide the promoter with its opinion on the subject.

(5) Prior to seeking approval under paragraph (6), the promoter shall consult the highway authority concerned as to the design of any lighting for tramway stops, the design and positioning of any poles and brackets required for overhead line equipment and the design of any traffic signalling system for the authorised tramway.

(6) Without affecting the application of sections 59 and 60 of the 1991 Act (duty of street authority to co-ordinate and undertakers to co-operate) before commencing any highway operations, the promoter shall submit to the highway authority for its approval proper and sufficient plans and shall not commence the highway operations until such plans have been approved or settled by arbitration.

(7) If, within 56 days after any plans have been submitted to a highway authority under paragraph (6), it has not intimated its disapproval and the grounds of disapproval, it shall be deemed to have approved them.

(8) In the event of any disapproval of plans by a highway authority under this paragraph, the promoter may re-submit the plans with modifications and, in that event, if the highway authority has not intimated its disapproval and the grounds of disapproval within 28 days of the plans being re-submitted, it shall be deemed to have approved them.

(9) In submitting plans under paragraph (6), the promoter shall—

- (a) ensure, so far as reasonably practicable, that the design of any lighting for tramcar stops is such as not to cause confusion to highway users operating under normal highway lighting;
- (b) ensure that the design and positioning of any poles and brackets required for overhead line equipment and the design of foundations, platforms, road islands, substations, electric lines and other apparatus are compatible, so far as reasonably practicable, with street furniture vested in the highway authority; and
- (c) ensure that the design of any traffic signalling system for the authorised tramway is fully compatible with traffic signalling for other traffic users whilst achieving appropriate priority signalling for tramcars using the authorised tramway wherever practicable.

(10) Except in an emergency or where reasonably necessary to secure the safety of the public, no direction or instruction shall be given by the highway authority to the contractors, servants or agents of the promoter regarding the highway operations without the prior consent in writing of the promoter but the highway authority shall not be liable for any additional costs which may be incurred as a result of the giving of instructions or directions pursuant to this paragraph.

(11) To facilitate liaison with the promoter, the highway authority concerned shall provide so far as is reasonably practicable a representative to attend meetings arranged by the promoter respecting highway operations.

(12) So much of the authorised works as forms part of or is intended to become public highway, or part of any such highway, and which are not street works as respects which the provisions of Part 3 of the 1991 Act apply, shall be completed in accordance with the reasonable requirements of the highway authority or, in case of difference between the promoter and the highway authority as to whether those requirements have been complied with or as to their reasonableness, in accordance with such requirements as may be approved or settled by arbitration.

**Status:** Point in time view as at 09/06/2009.

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(13) The promoter shall not, except with the consent of the highway authority, alter or interfere with any sanitary convenience, refuge, sewer, drain, lamp column, traffic sign, bollard, bin for refuse or road materials or any connected apparatus, or any other property or work belonging to, or under the jurisdiction or control of, the highway authority on or under any highway or maintainable by them or the access to any such property or work.

(14) The promoter shall not, except with the consent of the highway authority, deposit any soil or materials or stand any vehicle or plant on or over any highway so as to obstruct or render less safe the use of the highway by any person or, except with the like consent, deposit any soil or materials on any highway except within a hoarding.

(15) The promoter shall, if reasonably so required by the highway authority, provide and maintain during such time as the promoter may occupy any part of a highway for the purpose of the construction of any part of the authorised works, temporary ramps for vehicular traffic or pedestrian traffic, or both, and any other traffic measures required to protect the safety of road users in accordance with the standard recommended in Chapter 8 of the Traffic Signs Manual issued for the purposes of the Traffic Signs Regulations and General Directions 2002(43) in such position as may be necessary to prevent undue interference with the flow of traffic in any highway.

(16) The promoter shall not place any hoardings on any part of any highway except for such period and in such manner as may be reasonably necessary.

(17) The promoter shall indemnify the highway authority against any claim which may arise as a result of any subsidence of, or damage to, any highway or any sanitary convenience, refuge, sewer, drain, lamp column, traffic sign, bollard, bin for refuse or road materials or any connected apparatus or any other property or work belonging to, or under the jurisdiction or control of, the highway authority on or under any highway, or maintainable by them, which may be caused by, or in consequence of, any act or default of the promoter, its contractors, servants or agents.

(18) Unless otherwise agreed between the parties any difference arising between the promoter and the highway authority under this article (other than a difference as to its meaning or construction) shall be determined by arbitration under article 82 (arbitration).

#### Commencement Information

**I70** Art. 70 in force at 9.6.2009, see [art. 1](#)

#### For protection of the Environment Agency **E+W**

**71.—**(1) For the protection of the Environment Agency (in this article referred to as “the Agency”) the following provisions shall, unless otherwise agreed in writing between the promoter and the Agency, have effect.

(2) In this article—

“construction” shall include execution, placing and maintenance and “construct” and “constructed” shall be construed accordingly;

“damage” shall include scouring, erosion and environmental damage and “damaged” shall be construed accordingly;

“drainage work” shall mean any watercourse and includes any land which is expected to provide flood storage capacity for any watercourse and any bank, wall, embankment or other structure, or any appliance, constructed or used for land drainage or flood defence;

“the fishery” shall mean any waters containing fish and fish in, or migrating to or from, such waters and the spawn, habitat or food of such fish;

(43) [S.I. 2002/3113](#).



“plans” shall include sections, drawings, specifications and method statements; and  
“specified work” shall mean so much of any work or operation authorised by this Order as is in, on, under, over or within 16 metres of a watercourse or is otherwise likely to—

- (a) affect any drainage work or the volumetric rate of flow of water in or flowing to or from any drainage work;
- (b) affect the flow, purity or quality of water in any watercourse or other surface waters or ground water;
- (c) cause obstruction to the free passage of fish or damage to any fishery; or
- (d) affect the conservation, distribution or use of water resources.

(3)

- (a) Before beginning to construct any specified work, the promoter shall submit to the Agency plans of the work and such further particulars available to it as the Agency may within 28 days of the submission of the plans reasonably require.
- (b) Any such specified work shall not be constructed except in accordance with such plans as may be approved in writing by the Agency, or determined under paragraph (13).
- (c) Any approval of the Agency required under this paragraph—
  - (i) shall not be unreasonably withheld;
  - (ii) shall be deemed to have been given if it is neither given nor refused in writing within 56 days of the submission of the plans for approval and in the case of a refusal, accompanied by a statement of the grounds of refusal; and
  - (iii) may be given subject to such reasonable conditions or requirements as the Agency may impose—
    - (a) for the protection of any drainage work;
    - (b) for the protection of the fishery;
    - (c) for the protection of water resources;
    - (d) for the prevention of flooding or pollution; or
    - (e) in the discharge of its environmental and recreational duties.

(4) In particular, the conditions or requirements which the Agency may make under paragraph (3) include conditions requiring the promoter at its own expense to construct such protective works, whether temporary or permanent, 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.

(5)

- (a) Any specified work, and all protective works required by the Agency under paragraph (4), shall be constructed—
  - (i) with all reasonable dispatch in accordance with the plans approved or deemed to have been approved or settled under this article; and
  - (ii) to the reasonable satisfaction of the Agency,and the Agency shall be entitled by its officer to watch and inspect the construction of such works.

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- (b) The promoter shall give to the Agency not less than 14 days' notice in writing of the promoter's 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 brought into use.
  - (c) If any part of the works comprising a structure in, over or under a drainage work is constructed otherwise than in accordance with the requirements of this article, the Agency may by notice in writing require the promoter, at the promoter's own expense, to comply with the requirements of this article or (if the promoter so elects and the Agency in writing consents, such consent not to be unreasonably withheld) 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.
  - (d) Subject to sub-paragraph (e) if, within a reasonable period, being not less than 28 days from the date when a notice under sub-paragraph (c) is served upon the promoter, it has failed to begin taking steps to comply with the requirements of the notice and thereafter to make reasonably expeditious progress towards their implementation, the Agency may execute the works specified in the notice and any expenditure incurred by it in so doing shall be recoverable from the promoter.
  - (e) In the event of any dispute as to whether sub-paragraph (c) is properly applicable to any work in respect of which a notice has been served under that sub-paragraph, or as to the reasonableness of any requirement of such a notice, the Agency shall not except in an emergency exercise the powers conferred by sub-paragraph (d) until the dispute has been finally determined.
- (6)
- (a) The promoter shall maintain in good repair and condition and free from obstruction any culvert or any structure designed to contain or divert the flow of any watercourse situated within any land held for the purposes of or in connection with the authorised tramway and constructed under the powers conferred by this Order.
  - (b) If any such work which the promoter is liable to maintain is not maintained to the reasonable satisfaction of the Agency, the Agency may by notice in writing require the promoter to repair and restore the work, or any part of it, or (if the promoter so elects and the Agency in writing consents, such consent not to be unreasonably withheld), to remove the work and restore the site to its former condition, to such extent and within such limits as the Agency reasonably requires.
  - (c) If, within a reasonable period being not less than 28 days beginning with the date on which a notice in respect of any work is served under sub-paragraph (b) on the promoter, the promoter has failed to begin taking steps to comply with the reasonable requirements of the notice and has not thereafter made reasonably expeditious progress towards their implementation, the Agency may do anything necessary for such compliance and may recover any expenditure reasonably incurred by it in so doing from the promoter.
  - (d) In the event of any dispute as to the reasonableness of any requirement of a notice served under sub-paragraph (b), the Agency shall not, except in a case of an emergency, exercise the powers conferred by sub-paragraph (c) until the dispute has been finally determined.
  - (e) Nothing in this paragraph shall have the effect of requiring the promoter to carry out works of maintenance in respect of any culvert or structure which the Agency or any other person is liable to maintain.
- (7) 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 work is otherwise damaged, such impairment or damage shall be made good by the promoter to the reasonable satisfaction of the Agency and if the promoter fails to do so, the Agency may make good the same and recover from the promoter the expense reasonably incurred by it in so doing.

- (8)
- (a) The promoter shall take all such measures as may be reasonably practicable to prevent any interruption of the free passage of fish in any fishery during the construction of any specified work.
  - (b) If by reason of—
    - (i) the construction of any specified work; or
    - (ii) 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 promoter 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.
  - (c) 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 the fishery, the promoter fails to take such steps as are described in sub-paragraph (b), the Agency may take those steps and may recover from the promoter the expense reasonably incurred by it in doing so.
  - (d) 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 promoter the reasonable cost of so doing provided that a notice specifying those steps is served on the promoter as soon as is reasonably practicable after the Agency has taken, or commenced to take, the steps specified in the notice.
- (9) The promoter shall indemnify the Agency in respect of all costs, charges and expenses which the Agency may reasonably incur or have to pay or which it may sustain—
- (a) in the examination or approval of plans under this article; and
  - (b) in the inspection of the construction of the specified works or any protective works required by the Agency under this article.
- (10)
- (a) Without affecting the other provisions of this article, the promoter shall indemnify the Agency from all claims, demands, proceedings, costs, damages or expenses or loss, which may be made or taken against, or recovered from or incurred by the Agency by reason of—
    - (i) any damage to any drainage work so as to impair its efficiency for the purposes of flood defence;
    - (ii) any damage to the fishery;
    - (iii) any raising or lowering of the water table in land adjoining the works authorised by this Order or any sewers, drains and watercourses;
    - (iv) any flooding or increased flooding of any such lands; or
    - (v) inadequate water quality in any watercourse or other surface waters or in any groundwater,which is caused by, or results from, the construction of any of the works or any act or omission of the promoter, its contractors, agents or employees whilst engaged upon the work.
  - (b) The Agency shall give to the promoter reasonable notice of any such claim or demand and no settlement or compromise of it shall be made without the agreement of the promoter, which shall not be unreasonably withheld.

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(11) The fact that any work or thing has been executed or done in accordance with a plan approved or deemed to be approved by the Agency, or to its satisfaction, or in accordance with any directions or award of an arbitrator, shall not relieve the promoter from any liability under the provisions of this article.

(12) For the purposes of Chapter 2 of Part 2 of the Water Resources Act 1991<sup>(44)</sup> (abstraction and impounding of water), as applying to the construction of any specified work, any consent or approval given or deemed to be given by the Agency under this article with respect to such construction shall be deemed also to constitute an impounding licence under that Chapter, and the promoter shall not be obliged to serve any notice which would otherwise be required by section 30 of that Act (which relates to the construction of boreholes and similar works in respect of which a licence is not required).

(13) Any dispute arising between the promoter and the Agency under this article (other than a difference as to its meaning or construction) shall, if the parties agree, be determined by arbitration under article 82 (arbitration), but shall otherwise be determined by the Secretary of State for Environment, Food and Rural Affairs and the Secretary of State for Transport acting jointly on a reference to them by the promoter or the Agency, after notice in writing by one to the other.

#### Commencement Information

**I71** Art. 71 in force at 9.6.2009, see [art. 1](#)

#### For protection of electricity, gas, water and sewerage undertakers **E+W**

**72.** The provisions of Schedule 12 (for protection of electricity, gas, water and sewerage undertakers) shall have effect.

#### Commencement Information

**I72** Art. 72 in force at 9.6.2009, see [art. 1](#)

#### For protection of British Waterways Board **E+W**

**73.** The provisions of Schedule 13 (for protection of British Waterways Board) shall have effect.

#### Commencement Information

**I73** Art. 73 in force at 9.6.2009, see [art. 1](#)

#### For protection of railway interests **E+W**

**74.** The provisions of Schedule 14 (for protection of railway interests) shall have effect.

#### Commencement Information

**I74** Art. 74 in force at 9.6.2009, see [art. 1](#)

(44) 1991 c. 57.

## For protection of Borough Councils **E+W**

**75.**—(1) The following provisions of this article shall, unless otherwise agreed in writing between the promoter and the appropriate Council, have effect.

(2) In this article “the appropriate Council” means—

- (a) the Council of the Borough of Broxtowe, in relation to any authorised work constructed in the area of that council; or
- (b) the Council of the Borough of Rushcliffe, in relation to any authorised work constructed in the area of that council.

(3) Before commencing to construct any scheduled work the promoter shall consult the appropriate Council about—

- (a) the programme for the construction of that work; and
- (b) the land within the Order limits to be occupied and used by the promoter as temporary working sites for the purpose of such construction, the period for which and the manner in which each site will be used and the steps to be taken by the promoter in order to mitigate any injury to amenity.

(4) The promoter shall consult the appropriate Council as to the proposed manner and method of disposing of any soil or waste material resulting from the carrying out of any operation in connection with construction of the authorised works.

### Commencement Information

**I75** Art. 75 in force at 9.6.2009, see [art. 1](#)

## PART 7 **E+W**

### MISCELLANEOUS AND GENERAL

## Street and market traders **E+W**

**76.**—(1) Where the promoter considers that the carrying on within any part of a street within the Order limits by the holder of a public markets licence, a street trader’s licence or a street trading consent, of the trading permitted by that licence or consent, would prevent or materially impede the construction or maintenance of the authorised works or the safe operation of the authorised tramway, the promoter may—

- (a) revoke that licence or consent, as the case may be, if it only permits trading in a street in which the authorised tramway is or is to be laid or in any street having a junction with such a street; or
- (b) with the consent of the Council, vary the principal or the subsidiary terms of that licence or the conditions of that consent, as the case may be.

(2) The principal or subsidiary terms of a street trader’s licence or the conditions of a street trading consent may be varied by the promoter under paragraph (1) so that the licence or consent, as the case may be, permits trading in a street which is beyond a street in which the authorised tramway is or is to be laid or any street having a junction with such a street.

(3) The promoter shall serve written notice of any such revocation or variation on the licence-holder or the holder of the consent in question not less than 28 days before the revocation or variation is to take effect.

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(4) Where the promoter revokes a street trader’s licence under this article, the Council may remit or refund, as it considers appropriate, the whole or a part of—

- (a) any fee paid for the grant or renewal of the licence; or
- (b) any charges recoverable by it under paragraph 9(6) of Schedule 4 to the 1982 Act.

(5) Where the promoter revokes a public markets licence or a street trading consent under this article, the Council may remit or refund, as it considers appropriate, the whole or a part of any fee paid for the grant or renewal of the licence or consent.

(6) No legal proceedings whatever may be taken against the Council in relation to any consent given under paragraph (1)(b) except where the Council or any employee, contractor or agent of the Council has acted negligently in giving that consent.

(7) The promoter shall pay compensation to any person who suffers any loss or damage from the exercise of the powers conferred by paragraph (1) and in assessing the amount of any such compensation there shall be taken into account any money paid to that person pursuant to paragraph (4) or (5).

(8) Any dispute as to a person’s entitlement to compensation under paragraph (7), or as to the amount of the compensation, shall be determined under Part 1 of the 1961 Act.

(9) In this article—

“the 1982 Act” means the Local Government (Miscellaneous Provisions) Act 1982<sup>(45)</sup>;

“the Council” means Broxtowe Borough Council in relation to a public markets licence, a street trader’s licence or a street trading consent applying to its area, Rushcliffe Borough Council in relation to such a licence or consent applying to its area, and the City Council in relation to such a licence or consent applying to its area, and in each case includes the Council’s employees, agents and contractors;

“public markets licence” means a licence to trade at any street market granted to any person by the Council pursuant to its rights under any Royal Charter or enactment;

“street trading consent” means a consent to trade in a street granted to any person by the Council pursuant to Schedule 4 to the 1982 Act; and

“street trader’s licence” means a licence to trade in a street granted to any person by the Council pursuant to Schedule 4 to the 1982 Act or any other enactment.

#### Commencement Information

**I76** Art. 76 in force at 9.6.2009, see [art. 1](#)

#### Disclosure of confidential information **E+W**

77. A person who—

- (a) enters a manufactory, workshop or workplace in pursuance of the provisions of article 22 (safeguarding works to buildings) or article 25 (power to survey and investigate land, etc.); and
- (b) discloses to any person any information obtained pursuant to paragraph (a) and relating to any manufacturing process or trade secret,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale unless the disclosure is made in the course of that person’s performance of a duty in connection with the purposes for which the person was authorised to enter the land.

(45) 1982 c. 30.

**Commencement Information**

**I77** Art. 77 in force at 9.6.2009, see [art. 1](#)

**Defence to proceedings in respect of statutory nuisance** **E+W**

**78.**—(1) Where proceedings are brought under section 82(1) of the Environmental Protection Act 1990<sup>(46)</sup> (summary proceedings by person aggrieved by statutory nuisance) in relation to a nuisance falling within paragraph (g) of section 79(1) of that Act (noise emitted from premises so as to be prejudicial to health or a nuisance) no order shall be made, and no fine may be imposed, under section 82(2) of that Act if the defendant shows—

- (a) that the nuisance relates to premises used by the promoter for the purposes of or in connection with the exercise of the powers conferred by this Order with respect to works and that the nuisance is attributable to the carrying out of works which are being carried out in accordance with a notice served under section 60, or a consent given under section 61 or 65, of the Control of Pollution Act 1974<sup>(47)</sup>; or
  - (b) that the nuisance is a consequence of the operation or maintenance of the authorised tramway and that it cannot reasonably be avoided.
- (2) The following provisions of the Control of Pollution Act 1974, namely—
- (a) 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); and
  - (b) section 65(8) (corresponding provision in relation to consent for registered noise level to be exceeded),

shall not apply where the consent relates to the use of premises by the promoter for the purposes of or in connection with the exercise of the powers conferred by this Order with respect to works.

- (3) The provisions of this article do not affect any rule of common law having similar effect.

**Commencement Information**

**I78** Art. 78 in force at 9.6.2009, see [art. 1](#)

**Certification of plans, etc.** **E+W**

**79.** The promoter shall, as soon as practicable after the making of this Order, submit copies of the book of reference, the works and land plans, the open space and exchange land plans and the traffic regulation and rights of way plans to the Secretary of State for certification that they are true copies of, respectively, the book of reference, the works and land plans, the open space and exchange land plans and the traffic regulation and rights of way plans referred to in this Order; and a document so certified shall be admissible in any proceedings as evidence of the contents of the document of which it is a copy.

**Commencement Information**

**I79** Art. 79 in force at 9.6.2009, see [art. 1](#)

<sup>(46)</sup> 1990 c. 43.

<sup>(47)</sup> 1974 c. 40.

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## Service of notices **E+W**

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

- (a) by post; or
- (b) with the consent of the recipient and subject to paragraphs (6) to (8), by electronic transmission.

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

(3) For the purposes of section 7 of the Interpretation Act 1978(**48**) 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 shall be taken to be fulfilled only where 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.

(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 any part of that notice or other document, the sender shall provide such a copy as soon as reasonably practicable.

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

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

### Commencement Information

**I80** Art. 80 in force at 9.6.2009, see [art. 1](#)



## No double recovery **E+W**

**81.** Compensation shall not be 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.

### Commencement Information

**181** Art. 81 in force at 9.6.2009, see [art. 1](#)

## Arbitration **E+W**

**82.** Except where otherwise expressly provided for in this Order and unless otherwise agreed between the parties, any difference under any provision of this Order (other than a difference which falls to be determined by the tribunal) shall 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 notice in writing to the other) by the President of the Institution of Civil Engineers.

### Commencement Information

**182** Art. 82 in force at 9.6.2009, see [art. 1](#)

## Repeals of the 1994 Act **E+W**

**83.—(1)** The enactments within the 1994 Act specified in Part 1 of Schedule 15 (repeals of the 1994 Act) are repealed.

(2) Except to the extent that they apply to the specified works, the enactments within the 1994 Act specified in Part 2 of Schedule 15 shall be repealed on the day on which Line One first begins to be operated pursuant to an agreement made under article 55 (powers of disposal, agreements for operation, etc.).

(3) The enactments within the 1994 Act specified in Part 2 of Schedule 15 that apply to the specified works shall be repealed on the day on which regular revenue-earning operations commence on the authorised tramway.

(4) The enactments within the 1994 Act specified in Part 3 of Schedule 15 shall be repealed on the day after the day on which the promoter has published a notice, certifying that all of the land and rights in land which may be acquired under the 1994 Act have been vested in the promoter (by whatever means), in a newspaper circulating in the vicinity of the land.

(5) This article is subject to article 85 (agreements and undertakings connected with the 1994 Act or the construction or maintenance of Line One).

(6) In this article “the specified works” means the following works authorised by the 1994 Act—

- (a) Work Nos. 3A and 3B;
- (b) Work No.6;
- (c) Work No.6B; and
- (d) Work No.7,

together with all necessary works and conveniences connected with those works.

**Status:** Point in time view as at 09/06/2009.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Nottingham Express Transit System Order 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

#### Commencement Information

**183** Art. 83 in force at 9.6.2009, see [art. 1](#)

#### Application to Line One **E+W**

**84.** Schedule 16 (which provides for the application of certain provisions of this Order to Line One and makes other provision in relation to Line One) shall have effect.

#### Commencement Information

**184** Art. 84 in force at 9.6.2009, see [art. 1](#)

#### Agreements and undertakings connected with the 1994 Act or the construction or maintenance of Line One **E+W**

**85.** Schedule 17 (which relates to certain agreements and undertakings connected with the 1994 Act or the construction or maintenance of Line One) shall have effect.

#### Commencement Information

**185** Art. 85 in force at 9.6.2009, see [art. 1](#)

#### Acquisition of land required for the further development or extension of the authorised tramway and Line One **E+W**

**86.** Without limiting the scope of the promoter's power to acquire land by agreement under section 120 of the Local Government Act 1972<sup>(49)</sup> and section 26 of the Land Compensation Act 1973<sup>(50)</sup>, the promoter may acquire by agreement any land in its area which, in its opinion—

- (a) is likely to be required for the further development or extension of the authorised tramway and Line One; or
- (b) by reason of published proposals indicating that it might be so required, is a hereditament in respect of which a valid blight notice could have been served on the promoter under section 150 or 161 of the 1990 Act if it were land of the description specified in paragraph 21 of Schedule 13 to that Act.

#### Commencement Information

**186** Art. 86 in force at 9.6.2009, see [art. 1](#)

#### Greater Nottingham Light Rapid Transit Advisory Committee **E+W**

**87.—**(1) The promoter shall establish a body, to be known as the Greater Nottingham Light Rapid Transit Advisory Committee (in this article referred to as “the Committee”).

(2) The purpose of the Committee is to advise the promoter on the operation of the authorised tramway and Line One (in this article referred to together as “the Nottingham Express Transit

<sup>(49)</sup> 1972 c. 70.

<sup>(50)</sup> 1973 c. 26.

system”) and except in a case of special urgency where it is not reasonably practicable to do so, the promoter shall consult the Committee on the operation of the Nottingham Express Transit system.

(3) The members of the Committee shall be appointed by the promoter, and shall include representatives of users of the Nottingham Express Transit system and members of the City Council and the County Council. The Committee may co-opt onto the Committee such representatives of any person given a right to operate the Nottingham Express Transit system pursuant to an agreement made under article 55 (powers of disposal, agreements for operation, etc.) as the Committee sees fit.

(4) Without affecting any member of the Committee’s right to resign as a member of the Committee at any time by giving notice in writing to the promoter, the term of office of a member of the Committee shall extend as follows—

(a) in the case of a member who is a member of the City Council or the County Council, from the date of that member’s appointment until the end of the relevant council’s period of administration or, if earlier, the date on which that member ceases to be a member of the council concerned; or

(b) in the case of any other member, for three years from the date of that member’s appointment,

and, on ceasing to hold office pursuant to this paragraph, a member of the Committee shall be eligible for re-appointment as a member of the Committee.

(5) The Committee may determine its own quorum and procedure and shall appoint its Chair.

(6) It shall be the duty of the Committee to consider representations made to it by members of the public regarding the operation of the Nottingham Express Transit system.

(7) The Committee may at any time refer or make representations or recommendations to the promoter regarding the operation of the Nottingham Express Transit system, whether or not the Committee has been consulted on the matter by the promoter.

(8) The promoter shall take into consideration any matter, recommendation or representation which may from time to time be referred or made to it by the Committee, whether or not the Committee has been consulted by the promoter on the matter, recommendation or representation so referred or made.

(9) When so requested by the Committee, the promoter shall give its reasons in writing to the Committee for disagreeing with any recommendation or representation of the Committee.

(10) The promoter shall provide the Committee with accommodation and pay all its reasonable secretarial and administration costs.

(11) In this article references to the operation of the authorised tramway, Line One and the Nottingham Express Transit system include references to matters affecting their operation.

**Commencement Information**

**187** Art. 87 in force at 9.6.2009, see [art. 1](#)

**Existing local railway legislation** **E+W**

**88.**—(1) Subject to paragraph (2), any local enactment by which any railway within or adjacent to the Order limits was authorised, including the Manchester, Sheffield and Lincolnshire Railway (Extension to London &c.) Act 1893(**51**), shall have effect subject to the provisions of this Order.

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(2) Paragraph (1) shall not apply to any local enactment in so far as that enactment authorises any railway on land owned or occupied by Network Rail Infrastructure Limited unless, in accordance with Schedule 14 (for protection of railway interests)—

- (a) Network Rail Infrastructure Limited transfers or grants to the promoter; or
- (b) the promoter acquires,

any part of that land, or an interest in or easement or other right over it, for the purposes of or in connection with the authorised tramway.

**Commencement Information**

**I88** Art. 88 in force at 9.6.2009, see [art. 1](#)

Signed by authority of the Secretary of State

*Ellis Harvey*  
Head of the Transport and Works Act Orders  
Unit,  
Department for Transport

19th May 2009 9

## SCHEDULES

### SCHEDULE 1 E+W

Articles 2(1) and 5

#### SCHEDULED WORKS

##### Commencement Information

**I89** Sch. 1 in force at 9.6.2009, see [art. 1](#)

<i>(1)</i> Number of Work	<i>(2)</i> Description of Work
<b>In the County of Nottinghamshire</b>	
Work No.1	A tramroad 2,219 metres in length (double line), commencing 120 metres east of Toton Lane and running east across open land, crossing Inham Road, continuing east and running in parallel to Eskdale Drive, crossing Bramcote Lane and terminating at Cator Lane.
Work No.1A	Diversion and culverting of an existing open watercourse 457 metres in length between Inham Nook Recreation Ground and Bramcote Lane.
Work No.1B	A new footpath/cycle track 412 metres in length between Bramcote Lane and Cator Lane.
Work No.1C	Diversion of a combined sewer 417 metres in length between Bramcote Lane and Cator Lane.
Work No.2	A tramroad 652 metres in length (double line), commencing at the termination of Work No.1 and running east along an existing access track, turning south-east at Richmond Court and finally north-east to terminate at an access junction for Castle College (Broxstowe campus).
Work No.2A	Diversion of an existing culverted watercourse 266 metres in length between Cator Lane and Richmond Court.
Work No.2B	Diversion of an existing culverted watercourse 55 metres in length between Richmond Court and property number 51 Gwenbrook Avenue.

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<i>(1)</i> <i>Number of Work</i>	<i>(2)</i> <i>Description of Work</i>
Work No.2C	Diversion of an existing culverted watercourse 103 metres in length between Castle College (Broxtowe campus) and High Road.
Work No.3	A tramway/tramroad 1,998 metres in length (double line), commencing at the termination of Work No.2 and running north-east within the carriageway of High Road/Chilwell Road, turning south-east to run through the area currently occupied by the properties on the south-western side of The Square and along Styring Street, then turning north-east to run within the carriageway of Middle Street, Fletcher Road and Lower Road, terminating at the junction of Lower Road and Queen's Road East.
Work No.3A	A new highway 28 metres in length between Factory Lane and Wilmot Lane to provide access between Factory Lane and Wilmot Lane.
Work No.3B	A new highway 102 metres in length between Foster Avenue and Wollaton Road to provide access between Foster Avenue and Wollaton Road.
<b>In the City of Nottingham</b>	
Work No.4	A tramroad 941 metres in length (double line), commencing at the termination of Work No.3 and running to the immediate south of University Boulevard and terminating 315 metres south-west of the junction of University Boulevard and East Drive.
Work No.5	A tramroad 831 metres in length (double line), commencing at the termination of Work No.4 and running along the south side of University Boulevard, turning north-west at the junction between University Boulevard and East Drive and then north-east to run immediately south of a diverted Science Road and finally terminating at the centre of Clifton Boulevard. This work also includes new bridge works across the north-west bound carriageway of Clifton Boulevard (overall length 115 metres with various span clearances) and lengthening of Tottle Brook culvert (length 12 metres, span clearance 7 metres) on which the tramroad will be supported.
Work No.5A	Diversion of University Boulevard/Beeston Road 300 metres in length from the Tottle

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<i>(1)</i> <i>Number of Work</i>	<i>(2)</i> <i>Description of Work</i>
	Brook culvert to a point adjacent to property No. 117 Beeston Road.
Work No.5B	Diversion of Science Road 303 metres in length from a point 30 metres north-east of the East Drive highway boundary to a point 16 metres south-west of the centre of Clifton Boulevard.
Work No.6	A tramroad 438 metres in length (double line), commencing at the termination of Work No.5 and running in a north-easterly direction on an elevated structure over the south-east bound carriageway of Clifton Boulevard and the River Leen, turning east and terminating at ground level at a point 15 metres south-west of the Abbey Street highway boundary. This work includes the new bridge works over Clifton Boulevard, West Road, East Road and the River Leen (overall length 332 metres with various span clearances) on which the tramroad will be supported.
Work No.6A	A new footway 278 metres in length running alongside NET on the elevated structure (Work No.6) between a point 15m south-west of the Clifton Boulevard highway boundary and the southern facade of Queen's Medical Centre South Block. This work includes access stairs and lift at the commencement point and also 20 metres from the termination point.
Work No.7	A tramway/tramroad 668 metres in length (double line), commencing at the termination of Work No.6 and running north-east along Abbey Street, turning east to run within the carriageway of Gregory Street and Lenton Lane, leaving the highway at the Easter Park access road and terminating 90 metres west of the existing railway at Lenton South Junction. This work includes the removal and replacement of an existing bridge deck over Nottingham Beeston Canal (Claytons Bridge) on which the tramroad will be supported.
Work No.8	A tramway/tramroad 845 metres in length (double line), commencing at the termination of Work No.7 and running east on an embankment and retained structures, crossing the heavy rail lines, ramping down to existing ground level at the NG <sup>2</sup> site and running along the NG <sup>2</sup> site spine road and terminating at the junction of King's Meadow Road and Queen's Drive. This work includes new bridge works over the

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<i>(1)</i> <i>Number of Work</i>	<i>(2)</i> <i>Description of Work</i>
	existing railway at Lenton South Junction (45 metre span) with new embankment approaches on which the tramroad will be supported.
Work No.9	A tramway 1,008 metres in length (double line), commencing at the termination of Work No.8 and running within the carriageway of Meadows Way, turning north, then principally east and terminating 20 metres east of the junction of Meadows Way and Sheriffs Way.
Work No.10	A tramway/tramroad 492 metres in length (double line), commencing at the termination of Work No.9 and running along Meadows Way and across a realigned Arkwright Street. This work continues turning north at the junction between Arkwright Street and Meadows Way and running on elevated structures to terminate at the existing Nottingham Express Transit Line One terminus north of Station Street. Incorporating at Arkwright Street provision for junctions to be added for future lines. This work includes new bridge works over Tinker's Leen, Queens Road, Nottingham Station and Station Street (overall length 192 metres, with various span clearances) on which the tramroad will be supported.
Work No.10A	A new pedestrian link bridge 45 metres in length between Work No.10 at the southern end of Nottingham Express Transit stop ("Nottingham Station") and Nottingham Station. This work also includes access stairs and lifts at the commencement point.
Work No.10B	A new pedestrian link 148 metres in length running alongside Work No.10 on the proposed viaduct structures between Nottingham Express Transit stop ("Nottingham Station") and the existing Nottingham Express Transit Line One terminus adjacent to Trent Street. This work also includes new bridge works to link Work No.10 structures to the existing Nottingham Express Transit Line One connection onto the Nottingham Station footbridge to the east (length 10 metres, with various span clearances).
Work No.11	A tramroad 841 metres in length (double line), commencing at the termination of Work No.9 and running south-west along Queen's Walk and terminating on the north approach spans of Wilford Toll Bridge at a point 26 metres



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<i>(1)</i> <i>Number of Work</i>	<i>(2)</i> <i>Description of Work</i>
	south of the Victoria Embankment roundabout. This work also includes new works to infill the existing pedestrian underpass of Robin Hood Way.
Work No.11A	A new cycleway 811 metres in length commencing at the junction of Meadows Way and Sheriffs Way and terminating to the immediate south of the Victoria Embankment roundabout at the northern end of Wilford Toll Bridge.
Work No.11B	A new footway 633 metres in length commencing at a point 35 metres south of the junction of Meadows Way and Sheriffs Way and terminating at a point 40 metres north-east of the junction of Sweet Leys Road and Queen's Walk.
Work No.11C	A new footpath 38 metres in length between Robin Hood Way and Queen's Walk, including a connection to Riverside Way.
Work No.11D	A new highway 16 metres in length between Robin Hood Way and Riverside Way to provide access between Robin Hood Way and Riverside Way.
Work No.11E	A new highway 16 metres in length between Robin Hood Way and Riverside Way to provide access between Robin Hood Way and Riverside Way.
Work No.12	A tramway/tramroad 532 metres in length (double line), commencing at the termination of Work No.11 and running south over the River Trent, along Main Road, turning south-east to run alongside Coronation Avenue and terminating on the western side of the disused railway embankment. This work also includes new bridge works at Wilford Toll Bridge over the River Trent (overall length 86 metres with existing span clearances) on which the tramway will be supported.
Work No.12A	Diverted footway/cycleway 441 metres in length commencing at the termination of Work No.11A and running south over Wilford Toll Bridge (Work No.12), turning south-east and south to terminate at Coronation Avenue at a point 57 metres from the junction of Coronation Avenue and Main Road.

**In the County of Nottinghamshire**

**Status:** Point in time view as at 09/06/2009.

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<i>(1)</i> <i>Number of Work</i>	<i>(2)</i> <i>Description of Work</i>
Work No.13	A tramroad 1,006 metres in length (double line), commencing at the termination of Work No.12 and turning south to run alongside the eastern edge of the disused railway embankment before moving west to run on the disused railway embankment at a lowered height 240 metres north of Wilford Lane and terminating on the highway boundary, to the south side of Wilford Lane.
Work No.13A	A new footpath 920 metres in length running alongside Work No.13 between the southern highway boundary of Coronation Avenue and the northern highway boundary of Wilford Lane.
Work No.14	A tramroad 1,489 metres in length (double line), commencing at the termination of Work No.13 and running south along the disused railway corridor, passing beneath the Clifton Boulevard via an existing bridge and terminating 66 metres south-west of Clifton Boulevard.
Work No.14A	A new footpath 1,263 metres in length commencing at Wilford Lane, running alongside Work No.14 and terminating at Ruddington Lane.
<b>In the City of Nottingham and the County of Nottinghamshire</b>	
Work No.14B	A new footpath 183 metres in length running south-east between Kynance Gardens and Work No.14 at the south-east corner of playing fields.
Work No.14C	Realignment and lowering of Ruddington Lane 232 metres in length commencing at the junction of Fieldway and Ruddington Lane, terminating at a point 52 metres south-east of the access to Nottingham South and Wilford Industrial Estate.
Work No.14D	A new footpath 515 metres in length commencing at Ruddington Lane and running alongside Work No.14 under Clifton Boulevard, turning west and terminating on The Downs to the south-west of property No. 113.
Work No.14E	Diversion of an existing water main 184 metres in length commencing at a point 25 metres north-west of the Ruddington Lane and Landmere Lane junction, and terminating at a

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(1) Number of Work	(2) Description of Work
	point 7 metres south-east of property No. 77 The Downs.
<b>In the City of Nottingham</b>	
Work No.15	A tramroad 687 metres in length (double line), commencing at the termination of Work No.14 and running west across open land, terminating at Farnborough Road. This work also includes new bridge works over Fairham Brook (overall length 63 metres with 20 metre span clearances) on which the tramroad will be supported.
Work No.15A	A new footpath 313 metres in length commencing at a point on Work No.14D (chainage 478 metres), crossing Fairham Brook adjacent to Work No.15 and terminating at Silverdale Walk.
Work No.16	A tramway 1,328 metres in length (double line), commencing at the termination of Work No.15 and running within the carriageway of Farnborough Road and Southchurch Drive and terminating adjacent to The Peacock Public House at a point 50 metres south of the Southchurch Drive and Green Lane junction.
Work No.16A	A new access road 61 metres in length between Farnborough Road (north) and Southchurch Drive to provide access to Saint Francis Church between Farnborough Road (north) and Southchurch Drive.
Work No.16B	A new access road 189 metres in length between Farnborough Road (north) and Clifton Community Centre.
Work No.16C	A new cycleway 622 metres in length commencing 29 metres south-west of Rivergreen, running to the east of Southchurch Drive and terminating at Green Lane.
Work No.17	A tramway/tramroad 1,331 metres in length (double line), commencing at the termination of Work No.16 and running south within the carriageway of Southchurch Drive, turning west to run within the carriageway of Farnborough Road and then across open land to terminate at a point 76 metres west of Nottingham Road.
Work No.17A	A new footpath/cycle track 83 metres in length between Nottingham Road and the Clifton Park and Ride site to the west of Nottingham Road.

**Status:** Point in time view as at 09/06/2009.

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<i>(1)</i> Number of Work	<i>(2)</i> Description of Work
Work No.17B	A new footpath 27 metres in length between an existing footpath from Barbury Drive and Nottingham Road.
<b>In the County of Nottinghamshire</b>	
Work No.18	A tramroad 110 metres in length (double line), commencing at the termination of Work No.17, running through the Clifton NET Park and Ride site and terminating at a point 130 metres west of Nottingham Road.
Work No.18A	A new footpath/cycle track 121 metres in length between Nottingham Road and the Clifton NET Park and Ride site (Work No.18).
Work No.18B	A new highway 540 metres in length between the Clifton NET Park and Ride site (Work No.18) and the A453 Barton Lane to provide access between the Clifton Park and Ride site and the A453 Barton Lane.

SCHEDULE 2 **E+W**

Articles 2(1), 5 and 29

ADDITIONAL LAND WHICH MAY BE ACQUIRED OR USED

**Commencement Information**

**I90** Sch. 2 in force at 9.6.2009, see [art. 1](#)

<i>(1)</i> Location	<i>(2)</i> Number of land shown on works and land plans	<i>(3)</i> Purpose for which land may be acquired
<b>In the County of Nottinghamshire</b>		
Toton Lane	3	Highway widening works.
Toton Lane	4, 6 & 7	Highway widening works, diversion of public bridleway and Park & Ride site including new access and associated works. Construction compound.
Toton Lane	9, 10, 11 & 12	Diversion of public bridleway.
Toton Lane/Inham Road	14 & 20	Replacement Open Space and sub-station.
Sandby Court	57, 58, 59, 60 & 61	Realign highway access.

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<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Number of land shown on works and land plans</i>	<i>(3)</i> <i>Purpose for which land may be acquired</i>
Bramcote Lane	65	Highway widening works.
Cator Lane	74 & 75	Realign highway access.
Cator Lane/High Road	103, 109, 110, 115, 122, 128, 129, 131 & 132	Diversion of culverted watercourse and OHLE fixings.
Gwenbrook Avenue	118 & 119	Demolish property (Nos. 35 and 37 Gwenbrook Avenue) and landscaping works.
High Road	154	Demolish property (No.38 High Road).
High Road/Chilwell Road	172, 173, 175, 176, 177, 178, 188, 190, 192, 194, 196, 198, 200, 202, 204 & 206	Demolish property (Odd Nos. 75 9 231 150 93 Chilwell Road) and new highway works (Un-named street to Wilmot Lane), including on-street parking. Construction compound.
Chilwell Road	210, 211, 212, 213, 214 & 215	Demolish property (Odd Nos. 63 9 231 150 150 73 Chilwell Road) and landscaping works. Construction compound.
Un-named access adjacent to Chilwell Road Methodist Church	248, 250, 251, 252 & 253	Demolish property (No.21a Chilwell Road) and construct new car park. Construction compound.
Middle Street/Church Street	256	Highway works.
Chilwell Road/Devonshire Avenue	261	Highway widening works.
Foster Avenue/Wollaton Road	266, 267, 268, 269, 270, 272, 273, 274 & 276	New highway works (Foster Avenue to Wollaton Road), including on-street parking.
Middle Street/Hallam Road	305 & 305A	Highway widening works.
Middle Street/Station Road	319, 320, 321 & 323	Highway widening works.
Middle Street	339 & 341	Highway widening works.
Fletcher Road	432, 433, 434, 435, 436, 457, 458, 459 & 460	Demolish property (Block Nos. 1-27 Neville Sadler Court and No.51 Fletcher Road).
Queen's Road East	504, 507, 508, 509 & 510	Highway widening works, including a bus lay-by.
<b>In the City of Nottingham</b>		
University Boulevard	519	Landscaping works.

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<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Number of land shown on works and land plans</i>	<i>(3)</i> <i>Purpose for which land may be acquired</i>
Un-named access road to Highfields Science Park	547	Highway widening works.
Beeston Road	559A & 560A	Highway widening works.
Science Road	581	Landscaping works.
Science Road	588 & 597	Highway realignment works including on-street parking.
Science Road	592, 593, 596 & 599	Construct new car park and construction compound.
South Road (QMC site)	610 & 620	Demolish and reconstruct the QMC link bridge.
Abbey Street	630	Highway widening works.
Gregory Street	643	Demolish property (No.30 Gregory Street), landscaping works and accommodation works for the benefit of neighbouring land affected by the authorised works.
Abbey Bridge	653, 656 & 660	Highway widening works.
Lenton Lane	697, 702, 703 & 706	Highway widening works and realign highway access, including associated earthworks.
Lenton Lane	694	Sub station access.
Adjacent Kings Meadow Nature Reserve	726, 727 & 728	Open Space Exchange Land.
Meadows Way	770	Highway widening works, including parking bays.
Crocus Street	832	Highway widening works, including a turning head.
Crocus Street/Crocus Place	857, 859, 860, 863 & 864	Demolish property (Station House (part) and Nos. 6-7 Crocus Place), new highway access and construction compound.
Crocus Place/Arkwright Street	814, 815, 816, 818, 819, 822, 823, 824, 829, 835, 836, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 849, 850, 851, 852, 853 & 854	Demolish property (Nos. 3A-27 Arkwright Street and units 1-4 Crocus Place) for construction compound.
Queens Road	877	Construct link bridge to Nottingham Midland Station.

**Status:** Point in time view as at 09/06/2009.

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<i>(1)</i> Location	<i>(2)</i> Number of land shown on works and land plans	<i>(3)</i> Purpose for which land may be acquired
Sheriffs Way	926	Highway widening works.
Queen's Walk	932 & 935	Highway widening works, including realigned cycleway and footway.
Queen's Walk/Sweet Leys Road	950	Highway widening works.
Main Road	990	Realign highway access.
Main Road/Coronation Avenue	991	Remodel flood protection bund.
Main Road/Coronation Avenue	993, 994 & 995	Construct new car park.
<b>In the County of Nottinghamshire</b>		
Wilford Lane	1027	Highway widening works, including bus lay-bys.
<b>In the City of Nottingham</b>		
Ruddington Lane	1087 & 1091	Highway realignment works with associated earthworks.
<b>In the County of Nottinghamshire</b>		
Ruddington Lane	1103, 1104, 1105 & 1111	Highway realignment works with associated earthworks.
Ruddington Lane	1127, 1128, 1129, 1130, 1131, 1135, 1136, 1137 & 1139	Diversion of water main.
<b>In the City of Nottingham</b>		
Agricultural land to the south of The Downs	1140, 1141, 1143, 1144, 1145 & 1148	Replacement Open Space, new footpath works (Ruddington Lane to The Downs to Silverdale Walk) and construction compound.
Farnborough Road	1172	Construct new car park access road.
Farnborough Road/Southchurch Drive	1179	Construct new car park access road.
Southchurch Drive	1199	Sub-station.
Nottingham Road	1322	Sub-station and landscaping works.
<b>In the County of Nottinghamshire</b>		

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<i>(1)</i> Location	<i>(2)</i> Number of land shown on works and land plans	<i>(3)</i> Purpose for which land may be acquired
Nottingham Road/Barton Lane	1326 & 1327	Highway widening works and Park & Ride site, including link road, new access and associated works. Construction compound.
Barton Lane	1336	Highway widening works.
<b>In the City of Nottingham</b>		
Barton Lane	1329 & 1330	Link road to Park & Ride site, including new access and associated works.
Barton Lane	1332, 1333 & 1334	Highway widening works.
<b>In the County of Nottinghamshire</b>		
Queen's Road	1345, 1346, 1347 & 1348	Highway widening works.

SCHEDULE 3 **E+W**

Article 8

STREETS SUBJECT TO ALTERATION OF LAYOUT

**Key to Schedule 3**

RS	Realignment of street
WS	Widening of street by setting back of kerb line
NS	Narrowing of street by setting forward of kerb line
NP	Creation of new way
PB	Creation of parking or servicing bay
NET	Nottingham Express Transit

PART 1 **E+W**

HIGHWAYS SUBJECT TO ALTERATION OF LAYOUT

**Commencement Information**

**191** Sch. 3 Pt. 1 in force at 9.6.2009, see [art. 1](#)



**Status:** Point in time view as at 09/06/2009.

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<i>(1)</i> <i>Street subject to alteration of layout</i>	<i>(2)</i> <i>Description of alteration</i>
<b>In the County of Nottinghamshire</b>	
Toton Lane	Widen street between WS1a and WS2a to accommodate a new junction into the Chilwell NET Park and Ride site.
Bramcote Lane	Create parking bay between PB1 and PB2.
Sandby Court/Bramcote Lane	Realign street between RS3 and RS4 at the junction with Bramcote Lane to increase northern kerb radius.
Cator Lane	Realign street between RS5 and RS6 to accommodate new junction layout and move the access to Greenwood Court northwards.  Create new way between NP3 and NP4 to provide relocated access to Greenwood Court.
High Road	Realign street between RS7 and RS8.  Widen street between WS1 and WS2 to accommodate new junction to Castle College (Broxtowe campus) and revised highway layout.  Create parking bay between PB3 and PB4 on north-western side of carriageway.  Create parking bay between PB5 and PB6 on south-eastern side of carriageway.
High Road/Chilwell Road	Create parking bay between PB7 and PB8 on north-western side of carriageway.
Chilwell Road	Realign street between RS8 and RS10 to accommodate NET stop and parking bays.  Realign street between RS11 and RS16 to accommodate junction with Middle Street and Devonshire Avenue.  Create parking bay between PB13 and PB14 on south-eastern side of carriageway.  Create parking bay between PB15 and PB16 on north-western side of carriageway.  Create parking bay between PB17 and PB18 on south-eastern side of carriageway.  Create a new way between NP7a and NP7b to allow road vehicles to turnaround.  Create a new way between NP9a and NP10a (Church Street) to allow access to service yard for retail units Nos. 40-47 9 231 150 150 145 The Square', Beeston Town Centre.

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<i>(1)</i> <i>Street subject to alteration of layout</i>	<i>(2)</i> <i>Description of alteration</i>
	Create a new way between NP9c and NP10c to allow access between Styring Street and Chilwell Road.
Wilmot Lane/Factory Lane link road	Create parking bay between PB9 and PB10 adjacent to Work No.3A.  Create parking bays between PB11 and PB12 adjacent to Work No.3A.
Un-named access off Chilwell Road adjacent to Chilwell Road Methodist Church	Realign street between RS14 and RS14a to create access to new car park to the rear of odd property numbers 21 to 25 Chilwell Road.  Create a new way between NP9b and NP10b to allow access to Chilwell Road Methodist Church.  Create parking bay between PB18a and PB18b on eastern side of access to new car park to the rear of odd property numbers 21 to 25 Chilwell Road.
Imperial Road	Widen street between WS3 and WS4 to create width for parking spaces.
Devonshire Avenue	Realign street between RS12 and RS15 to accommodate revised junction layout with Chilwell Road.
New access between Chilwell Road and Styring Street	Create a new way between NP9d and NP9e to allow access to rear servicing yard for retail premises numbers 33 to 39 The Square.  Create a new way between NP9f and NP9g to allow egress from rear servicing yard for retail premises numbers 33 to 39 The Square.
Styring Street	Realign street between RS17 and RS18 to accommodate bus lay-bys on south-western side of carriageway.  Create parking bay between PB21 and PB22 on south-eastern side of carriageway.  Create parking bay between PB21a and PB22a on north-western side of carriageway.
Station Road	Create a new way between NP10d and NP10e to make a relocated access to the multi-storey car park.
Un-named access to Psychiatric Day Centre	Realign street between RS22 and RS29.  Create a new way between NP17 and NP18 to make a relocated access to The Three Horseshoes Public House.

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<i>(1)</i> <i>Street subject to alteration of layout</i>	<i>(2)</i> <i>Description of alteration</i>
Station Road (Beeston)	Widen street between WS9 and WS10 to accommodate revised junction with Middle Street.  Realign street between RS25 and RS21 to accommodate revised junction with Middle Street.
The City	Create a new way between NP15 and NP16 to provide an exit from The Three Horseshoes Public House site.
Middle Street	Realign street between RS12 and RS19 to accommodate revised junction with Chilwell Road and bus lay-by on the north-eastern side of the carriageway.  Realign street between RS20 and RS22 to accommodate revised junction layouts with side roads and modified highway layout.  Realign street between RS22 and RS23 to accommodate NET stop, one way street and revised highway layout.  Create parking bays between PB19a and PB20a on north side of carriageway.  Create a new way between NP11 and NP12.  Create new way between NP13 and NP14.
Humber Road	Narrow street between NS5 and NS6 to accommodate one way traffic and revised junction with Middle Street.
Fletcher Road	Narrow street between NS7 and NS8.  Create parking bays between PB23 and PB24 on north-western side of carriageway. Create parking bay between PB25 and PB26 on south-eastern side of carriageway.
Lower Road	Create parking bays between PB27 and PB28 on south-eastern side of carriageway.  Realign street between RS30 and RS31 including provision of turning head.  Realign street between RS32 and RS32a to accommodate one way traffic and revised junction layout with University Boulevard.  Narrow street between NS9 and NS10.  Create parking bay between PB29 and PB30 on north-western side of carriageway.

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(1) <i>Street subject to alteration of layout</i>	(2) <i>Description of alteration</i>
	<p>Create parking bay between PB31 and PB32 on north-western side of carriageway.</p> <p>Create parking bay between PB35 and PB36 on north-western side of carriageway.</p> <p>Create parking bay between PB37 and PB38 on south-eastern side of carriageway.</p> <p>Create parking bay between PB39 and PB40 on north-western side of carriageway.</p>
Queen's Road East	Realign street between RS33 and RS34 to accommodate revised junction with University Boulevard.
<b>In the City of Nottingham</b>	
University Boulevard	<p>Realign street between RS35 and RS36 to accommodate revised junction with Queen's Road East.</p> <p>Realign street between RS38 and RS39 to accommodate revised junction with un-named University Park (Hockey Club) access.</p>
University Boulevard/Beeston Road	Realign street between RS43 and RS44 to accommodate revised junction with East Drive and Science Park access
Un-named University Park access road	Realign street between RS37 and RS40.
Science Park access road	Realign street between RS45 and RS46 to accommodate one way traffic.
Science Road	<p>Create parking bay between PB51 and PB52 on north-western side of diverted Science Road (Work No.5B) carriageway.</p> <p>Create parking bay between PB53 and PB54 on access road adjacent to diverted Science Road.</p> <p>Create parking bay between PB55 and PB56 on access road adjacent to diverted Science Road.</p> <p>Create parking bay between PB57 and PB58 on north-western side of diverted Science Road (Work No.5B) carriageway.</p> <p>Create parking bay between PB59 and PB60 on north-western side of diverted Science Road (Work No.5B) carriageway.</p>
Abbey Street	<p>Realign street between RS52 and RS53 to accommodate revised junction with Gregory Street and outbound tramroad.</p> <p>Create parking bay between PB61 and PB62 on south-eastern side of carriageway.</p>

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(1) Street subject to alteration of layout	(2) Description of alteration
Abbey Bridge	Widen street between WS53 and WS54 to accommodate revised junction with Gregory Street.
Gregory Street	<p>Realign street between RS53 and RS56 to accommodate revised junction with Abbey Street and NET stop layout.</p> <p>Widen street between WS53 and WS55 to accommodate revised junction with Abbey Street.</p>
Lenton Lane	<p>Realign street between RS57 and RS57a to the south to accommodate a new junction with tramway and Easter Park.</p> <p>Widen street between WS51 and WS52 to accommodate tramway with adjacent cycle lanes.</p> <p>Realign street between RS57b and RS57c to accommodate tramroad north of Lenton Lane.</p>
King's Meadow Road (NG <sup>2</sup> ; Road)	<p>Realign street between RS58 and RS59 to accommodate a modified roundabout layout and tramroad.</p> <p>Narrow street between NS11, NS12 and NS12a to remove left turn exit from the access road within the NG<sup>2</sup>; site.</p>
Queen's Drive	Realign street between RS60 and RS61 to accommodate revised junction between King's Meadow Road and Queen's Drive.
Meadows Way	<p>Realign street between RS62 and RS63 to accommodate new junction between Queen's Drive and Meadows Way.</p> <p>Realign street between RS64 and RS65 to accommodate revised junction with Sheriffs Way.</p> <p>Realign street between RS65 and RS66 to accommodate revised junction with Arkwright Street and to provide for the tramway alignment.</p> <p>Narrow street between NS17 and NS18.</p> <p>Create parking bay between PB73 and PB74 for Police use only on eastern side of carriageway.</p> <p>Create parking bays between PB75 and PB80 on southern side of carriageway.</p>

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<i>(1)</i> <i>Street subject to alteration of layout</i>	<i>(2)</i> <i>Description of alteration</i>
Arkwright Street	Create parking bay between PB81 and PB82 on southern side of carriageway.
Crocus Street	Realign street between RS68 and RS68A to accommodate revised junction with Meadows Way.
Sheriffs Way	Create a new way between NP19 and NP20 to provide access to properties to the rear of Station House.
Queen's Walk	Realign street between RS65 and RS67 to create a single carriageway and accommodate revised junction with Meadows Way.
Carroll Gardens	Create parking bay between PB83 and PB84 on north-eastern side of carriageway.
Victoria Embankment/Riverside Way	Realign street between RS69 and RS70 to provide space for tramroad.
Coronation Avenue	Realign street between RS72 and RS73 to accommodate junction with Victoria Embankment and Riverside Way.
Coronation Avenue	Realign street between RS74 and RS75 to accommodate new junction after removal of roundabout.
Coronation Avenue	Create a new way between NP41 and NP42 to provide access to a new car park.
Coronation Avenue	Create a new way between NP43 and NP44 to provide Environment Agency access to the flood plain.
<b>In the County of Nottinghamshire</b>	
Coronation Avenue	Realign street between RS78 and RS79 to accommodate junction with tramroad.
Wilford Lane	Widen street between WS56 and WS57 to accommodate bus lay-bys.
Farnborough Road (north)	Create a new way between NP44a and NP44b to provide access to sub-station and maintenance area.
Farnborough Road (north)	Realign street between RS82 and RS83a to accommodate change in level, new junction with tramroad and revised junction with Southchurch Drive.
Southchurch Drive	Realign street between RS83 and RS84 to accommodate revised junction with Farnborough Road and tram stop.

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<i>(1)</i> <i>Street subject to alteration of layout</i>	<i>(2)</i> <i>Description of alteration</i>
	Realign street between RS85 and RS86 to accommodate revised highway and junction layout.
	Realign street between RS86 and RS87.
	Realign street between RS88 and RS89.
	Narrow street between NS23 and NS24.
	Create parking bays between PB99 and PB99a on south-east side of carriageway.
	Create parking bay between PB99b and PB99c on south-eastern side of carriageway.
	Create parking bay between PB99d and PB99e on north-western side of carriageway.
	Create parking bays between PB99h and PB100 on south-eastern side of carriageway.
	Create parking bays between PB101 and PB102 on the north-western side of carriageway.
	Create parking bay between PB103 and PB104 on south-eastern side of carriageway.
	Create parking bay between PB105 and PB106 on north-western side of carriageway.
	Create parking bay between PB109 and PB110 on south-eastern side of carriageway.
	Create parking bay between PB113 and PB114 on north-western side of carriageway.
	Create parking bays between PB117 and PB117a on south-eastern side of carriageway.
	Create parking bay between PB118 and PB118a on south-eastern side of carriageway.
	Create parking bays between PB119 and PB119a on north-western side of carriageway.
	Create parking bay between PB119d and PB119e on north-western side of carriageway.
	Create parking bays between PB119f and PB120 on north-western side of carriageway.
	Create parking bays between PB123 and PB123a on south-eastern side of carriageway.
	Create parking bay between PB124 and PB124a on south-eastern side of carriageway.

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<i>(1)</i> <i>Street subject to alteration of layout</i>	<i>(2)</i> <i>Description of alteration</i>
Green Lane	<p>Create parking bays between PB125 and PB125a on north-western side of carriageway.</p> <p>Create parking bays between PB125d and PB126 on north-western side of carriageway.</p> <p>Realign street between RS86 and RS90 to accommodate revised junction with Southchurch Drive.</p> <p>Realign street between RS86 and RS91 to accommodate revised junction with Southchurch Drive.</p>
Access off Green Lane	<p>Realign street between RS92 and RS93 to maintain access to rear of shops between Donington Road and Green Lane.</p>
Farnborough Road (south)	<p>Realign street between RS89 and RS94 to accommodate revised junction with Southchurch Drive.</p> <p>Realign street between RS89 to RS95 to accommodate revised junction with Southchurch Drive.</p> <p>Realign street between RS96 and RS97.</p> <p>Create parking bay between PB133 and PB133a on southern side of carriageway.</p> <p>Create parking bay between PB134 and PB134a on southern side of carriageway.</p> <p>Create parking bay between PB135 and PB136 on northern side of carriageway.</p> <p>Create parking bay between PB137 and PB138 on southern side of carriageway.</p> <p>Create parking bay between PB141 and PB142 on northern side of carriageway.</p> <p>Create parking bay between PB143 and PB144 on southern side of carriageway.</p> <p>Create parking bays between PB145 and PB146 on the northern side of carriageway.</p>
Nottingham Road	<p>Realign street between RS97 and RS99 to accommodate revised junction with Clifton NET Park and Ride site access.</p> <p>Create a new way between NP51 and NP52 to provide access to the Clifton NET Park and Ride site.</p>



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<i>(1)</i> <i>Street subject to alteration of layout</i>	<i>(2)</i> <i>Description of alteration</i>
Barton Lane/Green Street	Widen street between WS6 and WS7 to accommodate new junction with the Clifton NET Park and Ride site access.
<b>In the County of Nottinghamshire</b>	
Queen's Road	Realign junction between RS104, RS105 and RS106 to accommodate revised junction layout with Meadow Lane.
Queen's Road	Realign junction between RS107, RS108 and RS109 to accommodate revised junction layout with Station Road.

## PART 2 E+W

### FOOTPATHS AND BRIDLEWAYS SUBJECT TO ALTERATION OF LAYOUT

#### **Commencement Information**

**192** Sch. 3 Pt. 2 in force at 9.6.2009, see [art. 1](#)

<i>(1)</i> <i>Footpath subject to alteration of layout</i>	<i>(2)</i> <i>Description of alteration</i>
<b>In the County of Nottinghamshire</b>	
Path from Toton Lane Park & Ride site to Inham Road proposed open space	Create new path NP6a, NP6b & NP6c.
Path to the immediate north and east of Inham Road NET stop	Create new path NP8, NP11, NP12 & NP13.
Path to the immediate east of Inham Road NET stop	Create new path NP13 & NP14.
Path to the north of Chilwell Eskdale School	Create new path NP19 & NP21.
Path in the vicinity of Eskdale Drive NET stop	Create new path NP23, NP24, NP26, NP25 & NP23a.
Path to the immediate east of Bramcote Lane	Create new path NP30, NP32 & NP31.
Path in the vicinity of Bramcote Lane NET stop	Create new path NP32, NP35 & NP34.
Path to the immediate east of Bramcote Lane NET stop	Create new path between NP33, NP34 & NP34a.
Path to the immediate south of Bramcote Lane NET stop	Create new path NP35 & NP36.
Path between Bramcote Lane NET stop and Cator Lane NET stop	Create new path NP33 & NP37.

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<i>(1)</i> <i>Footpath subject to alteration of layout</i>	<i>(2)</i> <i>Description of alteration</i>
Path to the immediate south of Cator Lane NET stop	Create new path NP41, NP40a & NP40.
Path to the immediate east of Cator Lane NET stop	Create new path NP39 & NP40a.
Path to the south of Greenwood Court	Create new path NP42 & NP43.
<b>In the City of Nottingham</b>	
Path from north end of Queen's Walk to Meadows Centre NET stop	Create new path NP52, NP64 & NP61.
Path on western side of northern section of Queen's Walk	Create new path NP55, NP55a, NP56, NP57, NP58, NP59, NP60 & NP61.
Path adjacent to Sheriffs Way	Create new path NP53 & NP54.
Path to the immediate north of Meadows Centre NET stop	Create new path NP59 & NP63.
Path to the immediate west of Meadows Centre NET stop	Create new path NP62 & NP65.
Path between Meadows Centre NET stop and Robin Hood Way	Create new path NP60, NP66, NP67, NP68, NP69 & NP70.
Path to the immediate east and south of Meadows Centre NET stop	Create new path NP62, NP65, NP65a, NP65b & NP66.
Path between Meadows Centre NET stop and Robin Hood Way	Create new path NP65a & NP76.
Path to the immediate north of Robin Hood Way	Create new path NP75 & NP76.
Path between Robin Hood Way and access to Cremorne Hotel (west side)	Create new path NP79, NP82a, NP83a, NP84 & NP86.
Path between Robin Hood Way and access to Cremorne Hotel (east side)	Create new path NP81, NP82, NP83 & NP85.
Path to the immediate south of Robin Hood Way	Create new path NP77 & NP78.
Path between Cremorne Hotel access and Riverside Way	Create new path NP94, NP93 & NP95.
Path between Robin Hood Way and area west of Queen's Walk NET stop	Create new path NP90 & NP91.
Path at south end of Queen's Walk	Create new path NP96 & NP97.
Path adjacent to Main Road	Create new path NP99 & NP100.
<b>In the County of Nottinghamshire</b>	
Path east of disused railway embankment	Create new path NP104 & NP105.
Path east of disused railway embankment	Create new path NP106 & NP106a.
Path east of disused railway embankment	Create new path NP107 & NP108.

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<i>(1)</i> Footpath subject to alteration of layout	<i>(2)</i> Description of alteration
Path north of Compton Acres NET stop	Create new path NP115 & NP118.
Path west of Compton Acres NET stop	Create new path NP118, NP118a & NP117a.
Path in the vicinity of Ruddington Lane NET stop	Create new path NP119, NP122, NP121 & NP122a.
Path south of Ruddington Lane	Create new path NP123 & NP125.
<b>In the City of Nottingham and the County of Nottinghamshire</b>	
Path from Ruddington Lane to The Downs	Create new path NP124, NP125, NP126a & NP126.
<b>In the City of Nottingham</b>	
Path over Fairham Brook connecting to Footpath No.147 (Silverdale Walk)	Create new path NP126a, NP127, NP128, NP129 & NP130.
Path between Footpath No.147 (Silverdale Walk) and Farnborough Road (north)	Create new path NP133 & NP134.
Path from Nottingham Road to Clifton NET Park and Ride site	Create new path NP139, NP140 & NP141.
Path from Nottingham Road to Barbury Close	Create new path NP135, NP136 & NP137.

## SCHEDULE 4 E+W

Articles 11 and 12

### STREETS TO BE PERMANENTLY STOPPED UP

#### Key to Schedule 4

SS	Stopping up of street
NP	Creation of new way
NET	Nottingham Express Transit
PD	Path diversion
PS	Path stopping up

## PART 1 E+W

### HIGHWAYS FOR WHICH A SUBSTITUTE IS TO BE PROVIDED

#### **Commencement Information**

**193** Sch. 4 Pt. 1 in force at 9.6.2009, see [art. 1](#)

**Status:** Point in time view as at 09/06/2009.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Nottingham Express Transit System Order 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

<i>(1)</i> <i>Street affected</i>	<i>(2)</i> <i>Extent of stopping up</i>	<i>(3)</i> <i>New street to be substituted</i>
<b>In the County of Nottinghamshire</b>		
Toton Lane	Close the entrance to the retail site off Toton Lane between SS1 and SS1a.	New access provided off Chilwell NET Park and Ride access road via new way to be opened between NP1 and NP2.
High Road	Stop up access to Castle College (Broxtowe campus) between SS2 and SS2a.	New access provided via new way to be opened between NP5 and NP6.
Wilmot Lane	Stop up the north-western end of the highway between SS3 and SS4.	New highway links Factory Lane and Wilmot Lane (Work No.3A).
Styring Street	Close the entrance to the multi-storey car park off Styring Street between SS7h and SS7i.	New access provided off Station Road via new way to be opened.
Commercial Avenue	Close the highway between SS12 and SS13.	New highway links Foster Avenue to Wollaton Road (Work No.3B) between NP7, NP8, NP9 and NP10.
<b>In the City of Nottingham</b>		
Robin Hood Way/ Riverside Way Roundabout	Stop up the western circulatory and arm of roundabout between SS23 and SS25.	New gyratory system provides access from Robin Hood Way to Riverside Way (Work Nos. 11D & 11E).
Robin Hood Way/ Riverside Way Roundabout	Stop up the highway link from the roundabout to Robin Hood Way between SS23 and SS24.	New gyratory system provides access from Robin Hood Way to Riverside Way (Work Nos. 11D & 11E).
Southchurch Drive	Stop up the existing access off Southchurch Drive to the Community Centre between SS26 and SS26a.	New highway links Farnborough Road and Community Centre (Work No.16B).

## PART 2 **E+W**

### FOOTPATHS AND BRIDLEWAYS FOR WHICH A SUBSTITUTE IS TO BE PROVIDED

#### Commencement Information

**I94** Sch. 4 Pt. 2 in force at 9.6.2009, see [art. 1](#)

**Status:** Point in time view as at 09/06/2009.

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<i>(1)</i> <i>Extent of stopping up</i>	<i>(2)</i> <i>Street affected</i>	<i>(3)</i> <i>New street to be substituted</i>
<b>In the County of Nottinghamshire</b>		
Bridleway Beeston BW 27 at southern end of Chilwell NET Park and Ride site	Path diversion between PD1 & PD2.	New path between NP1, NP2, NP3 & NP4.
Bridleway Beeston BW 27 to the east of Chilwell NET Park and Ride site	Path diversion between PD3 & PD4.	New path between NP5 & NP6.
Path between Inham Road and Ghost House Lane	Path diversion between PD5, PD6, PD8 & PD9.	New path between NP7, NP8, NP9, NP12, NP14, NP16 & NP17.
Path in the vicinity of Inham Road NET stop	Path diversion between PD6 & PD7.	New path between NP9 & NP10.
Path to the north of Chilwell Eskdale School	Path diversion between PD10 & PD11.	New path between NP18, NP19, NP20 & NP20a.
Path in the vicinity of Eskdale Drive NET stop	Path diversion between PD12, PD13 & PD14.	New path between NP22, NP23, NP24 & NP23a.
Path to the east of Eskdale Drive NET stop	Path diversion between PD15 & PD16.	New path between NP27, NP28 & NP29.
Path to the immediate east of Bramcote Lane	Path diversion between PD17 & PD18.	New path between NP30a, NP30, NP33 & NP33a.
Footpath Beeston FP 46 in the vicinity of Cator Lane NET stop	Path diversion between PD19 & PD20.	New path between NP38, NP37 & NP41.
<b>In the City of Nottingham</b>		
Path at western boundary of NG <sup>2</sup> ; site	Path diversion between PD21 & PD22.	New path between NP44, NP45 & NP46.
Path on Queen's Walk in the vicinity of Meadows Way	Path diversion between PD23a & PD24a.	Create new path NP51, NP52 & NP50.
Diversion of Kirkenwhite Walk north of Meadows Centre NET stop	Path diversion between PD23 & PD24.	New path between NP60, NP61, NP62 & NP63.
Path to the north of Robin Hood Way	Path diversion between PD25 & PD26.	New path between NP72, NP73 & NP74.
Path to the south of Robin Hood Way	Path diversion between PD27 & PD28.	New path between NP79 & NP80.
Path to the south of Robin Hood Way	Path diversion between PD29 & PD30.	New path between NP87, NP82 & NP82a.
Path in the vicinity of Helvellyn Close	Path diversion between PD31 & PD32.	New path between NP88, NP83 & NP83a.

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<i>(1)</i> <i>Extent of stopping up</i>	<i>(2)</i> <i>Street affected</i>	<i>(3)</i> <i>New street to be substituted</i>
Path in the vicinity of Ferngill Close	Path diversion between PD33 & PD34.	New path between NP89 & NP84.
Wilford Bridge	Path diversion between PD52 & PD53.	New path between NP98, NP99, NP101 & NP102.
<b>In the County of Nottinghamshire</b>		
Footpath No.7 east of disused railway embankment	Path diversion between PD37 & PD38.	New path between NP105, NP105a & NP105b.
Footpath No.24 east of disused railway embankment	Path diversion between PD38, PD38a, PD39, PD39a & PD39b.	New path between NP105a, NP105c, NP106, NP106b, NP107 & NP107a.
Path immediately to the south of Wilford Lane	Path diversion between PD40 & PD41.	New path between NP109 & NP110.
Path between Wilford Lane and Compton Acres NET stop	Path diversion between PD41, PD42, PD41a, PD43 & PD44.	New path between NP110, NP111 & NP112.
Path to the north of Compton Acres NET stop	Path diversion between PD44 & PD45.	New path between NP112 & NP113.
Path in the vicinity of Compton Acres NET stop	Path diversion between PD47 & PD47a.	New path between NP113, NP114 & NP118.
Path from Compton Acres NET stop to Ruddington Lane NET stop	Path diversion between PD45, PD47b, PD47d, PD48a & PD49.	New path between NP114, NP117a, NP117b, NP119 & NP120.
Path immediately to the south of Ruddington Lane NET stop	Path diversion between PD49 & PD48.	New path between NP120, NP122a & NP122b.
<b>In the City of Nottingham</b>		
Footpath No.147 (Silverdale Walk) to the east of Brooksby Lane	Path diversion between PD50 & PD51.	New path between NP131, NP132 & NP133.

## PART 3 **E+W**

### HIGHWAYS FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED

#### Commencement Information

**I95** Sch. 4 Pt. 3 in force at 9.6.2009, see [art. 1](#)

<i>(1)</i> <i>Street to be stopped up</i>	<i>(2)</i> <i>Extent of stopping up</i>
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#### In the County of Nottinghamshire

**Status:** Point in time view as at 09/06/2009.

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<i>(1)</i> <i>Street to be stopped up</i>	<i>(2)</i> <i>Extent of stopping up</i>
Styring Street	Stop up the entrance to the retail area north east of Styring Street between SS7 and SS7a.  Stop up the entrance to the retail area north east of Styring Street between SS7b and SS7c.  Stop up the north-western entrance to Beeston bus station between SS7d and SS7e.  Stop up the south-western entrance to Beeston bus station between SS7f and SS7g.  Stop up the entrance to the taxi rank within the multi-storey car park between SS7j and SS7k.
Middle Street	Stop up the access to a retail area off Middle Street between SS8 and SS8a.
The City	Stop up the existing highway between SS9 and SS10.
Fletcher Road	Stop up the access to Neville Sadler Court between SS14 and SS14a.
<b>In the City of Nottingham</b>	
Science Road	Stop up existing highway between SS29 and SS29a.
Sheriffs Way (northbound carriageway)	Stop up the existing highway between SS15 and SS16.
Sheriffs Way (southbound carriageway)	Stop up the existing highway between SS17 and SS18.
Crocus Street	Close the highway between SS19a and SS22.

## PART 4 E+W

### FOOTPATHS AND BRIDLEWAYS FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED

#### Commencement Information

**196** Sch. 4 Pt. 4 in force at 9.6.2009, see [art. 1](#)

<i>(1)</i> <i>Street to be stopped up</i>	<i>(2)</i> <i>Extent of stopping up</i>
<b>In the County of Nottinghamshire</b>	
Path in the vicinity of Patterdale Court, north of Eskdale Drive	Stop up path between PS1 & PS2

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<i>(1)</i> <i>Street to be stopped up</i>	<i>(2)</i> <i>Extent of stopping up</i>
Path to the north of No. 47 Eskdale Drive	Stop up path between PS3 & PS4
Path to the north of No. 41 Eskdale Drive	Stop up path between PS5 & PS6
Path to the north of No. 25 Eskdale Drive	Stop up path between PS6a & PS6b
Path to the north-west of Chilwell Alderman Pounder School	Stop up path between PS7 & PS8
Footpath to the immediate east of Bramcote Lane NET stop	Stop up path between PS7a & PS8a
Path to the south of Greenwood Court	Stop up path between PS9 & PS10
Footpath Wilmot Lane/Beeston FP 55 adjacent to Wilmot Lane	Stop up path between PS11 & PS12
<b>In the City of Nottingham</b>	
Path to south of heavy rail tracks	Stop up path between PS12a & PS12b
Path at north end of Queen's Walk	Stop up path between PS15 & PS16
Path from north end of Queen's Walk to Meadows Centre NET stop	Stop up path between PS15, PS17 & PS25a
Path at north end of Queen's Walk	Stop up path between PS19 & PS20
Path at north end of Queen's Walk adjacent to 31 Houseman Gardens	Stop up path between PS21 & PS22
Path at north end of Queen's Walk adjacent to 31 Houseman Gardens	Stop up path between PS23 & PS24
Path in the vicinity of Meadows Centre NET stop	Stop up path between PS25, PS25a & PS26
Path from north end of Queen's Walk to Robin Hood Way	Stop up path between PS25a, PS26a, PS26c, PS27, PS27b & PS18
Path to the immediate south of Meadows Centre NET stop	Stop up path between PS26f & PS26a
Path to the south of Meadows Centre NET stop	Stop up path between PS26b & PS26c
Path to the south of Meadows Centre NET stop	Stop up path between PS26d & PS26e
Path to the south of Meadows Centre NET stop	Stop up path between PS27 & PS28
Path to the north of Robin Hood Way	Stop up path between PS27a & PS27b
Path between Robin Hood Way and access to Cremorne Hotel (central)	Stop up path between PS29, PS31a, PS32a & PS30
Path to the south of Robin Hood Way	Stop up path between PS31 & PS31a
Path to the south of Robin Hood Way	Stop up path between PS32 & PS32a
Path to the south of Robin Hood Way	Stop up path between PS33 & PS34
Path in the vicinity of Queen's Walk NET stop	Stop up path between PS34a & PS34b
Path in the vicinity of Queen's Walk NET stop	Stop up path between PS34c & PS34d



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<i>(1)</i> <i>Street to be stopped up</i>	<i>(2)</i> <i>Extent of stopping up</i>
<b>In the County of Nottinghamshire</b>	
Footpath No.6 adjacent to Coronation Avenue	Stop up path between PS36 & PS37
Footpath No.7 east of disused railway embankment	Stop up path between PS38 & PS39
Footpath No.8 east of disused railway embankment	Stop up path between PS39a & PS39b
Path to the south of Wilford Lane	Stop up path between PS41a & PS41b
Path in the vicinity of Compton Acres NET stop	Stop up path between PS40 & PS41
Path in the vicinity of Compton Acres NET stop	Stop up path between PS42, PS36a & PS37c
Path in the vicinity of Compton Acres NET stop	Stop up path between PS35 & PS35a
Path in the vicinity of Compton Acres NET stop	Stop up path between PS37a & PS37b
Path to the south of Ruddington Lane	Stop up path between PS43, PS44 & PS45

SCHEDULE 5 **E+W**

Article 12

STREETS TO BE TEMPORARILY STOPPED UP

PART 1 **E+W**

HIGHWAYS TO BE TEMPORARILY STOPPED UP

**Commencement Information**

**197** Sch. 5 Pt. 1 in force at 9.6.2009, see **art. 1**

<i>(1)</i> <i>Street affected</i>	<i>(2)</i> <i>Extent of stopping up</i>
<b>In the County of Nottinghamshire</b>	
Toton Lane	Between the junction with the A52 Stapleford Bypass (Bardills Roundabout) and a point 200 metres south of the entrance to the new Park and Ride site.
Inham Road	In the vicinity of the junction with Eskdale Drive.

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<i>(1)</i> <i>Street affected</i>	<i>(2)</i> <i>Extent of stopping up</i>
Bramcote Lane	In the vicinity of the junction with Sandby Court.
Cator Lane	In the vicinity of Greenwood Court.
High Road	Between Castle (Broxtowe) College and Wilmot Lane.
Grove Avenue	At junction with High Road.
Holly Lane	At junction with High Road.
Middle Lane	At junction with High Road.
Park Road	At junction with High Road.
Wilmot Lane	At junction with Chilwell Road.
Ellis Grove	At junctions with Chilwell Road (east & west junctions).
Chilwell Road	Between Wilmot Lane and Foster Avenue.
Imperial Road	At junction with Chilwell Road.
Collin Street	At junction with Chilwell Road.
Middle Street	At junction with Chilwell Road.
Devonshire Avenue	At junction with Chilwell Road.
Foster Avenue	At junction with Chilwell Road.
Styring Street	Between the junction with Middle Street and Beeston bus station.
Middle Street	Between the junction with Styring Street and the junction with Humber Road.
Hallam Road	At junction with Middle Street.
Moore Gate	At junction with Middle Street.
Station Road	At junction with Middle Street.
Acacia Walk	At junction with Middle Street.
Union Street	At junction with Middle Street.
Clifton Street	At junction with Middle Street.
City Road	At junction with Middle Street.
The City	At junction with Middle Street.
Regent Street	At junction with Middle Street.
Humber Road	At junctions with Middle Street (east & west junctions).
Fletcher Road	Between the junction with Humber Road and Neville Sadler Court.
Lower Court	At junction with Lower Road.

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<i>(1)</i> <i>Street affected</i>	<i>(2)</i> <i>Extent of stopping up</i>
Lower Road	Between Neville Sadler Court and the junction with University Boulevard.
Albert Road	At junction with Lower Road.
Queen's Road East	At junction with University Boulevard.
<b>In the City of Nottingham</b>	
University Boulevard (south west carriageway)	At junction with Queen's Road East.
University Boulevard	Between Beeston Road and Tennis Centre access.
East Drive	At junction with Beeston Road.
Highfields Science Park Access Road	At junction with Beeston Road.
Science Road	From junction with East Drive to junction with Clifton Boulevard.
Clifton Boulevard	At junction with Science Road and South Road.
South Road	From junction with East Road to junction with Harvey Road.
Abbey Street	From Hooleys Site to Gregory Street.
Gregory Street	From junction with Abbey Street to Lenton Lane.
Old Church Street	At junction with Gregory Street.
Claytons Drive	At junction with Gregory Street.
Lenton Lane	From Gregory Street to bridge over Lenton South Railway Junction.
Willow Road	At junction with Lenton Lane.
Easter Park Industrial Estate Access	At junction with Lenton Lane.
King's Meadow Road (NG <sup>2</sup> ; access road)	Between western end of NG <sup>2</sup> ; development site and junction with Queen's Drive/Meadow Way.
Queen's Drive	At junction between Meadows Way and King's Meadow Road (NG <sup>2</sup> ; access road).
Meadows Way	Between the junction of King's Meadow Road (NG <sup>2</sup> ; access road) and the junction of Arkwright Walk.
Saffron Gardens	At junction with Meadows Way.
Beardsley Gardens	At junction with Meadows Way.
Kelso Gardens	At junction with Meadows Way.
Gritley Mews	At junction with Meadows Way.
Castlefields	At junction with Meadows Way.

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<i>(1)</i> <i>Street affected</i>	<i>(2)</i> <i>Extent of stopping up</i>
Kinglake Place	At junction with Meadows Way.
Sheriffs Way	At junction with Meadows Way.
Arkwright Stret	From junction with Meadows Way to junction with Crocus Street.
Crocus Street	At junction with Arkwright Street.
Queens Road	Adjacent to Nottingham Station.
Station Street	Adjacent to Nottingham Station.
Robin Hood Way	Between Launder Street and Hoopers Walk.
Main Road	Between Coronation Avenue and Wilford Bridge.
<b>In the City of Nottingham and the County of Nottinghamshire</b>	
Coronation Avenue	In vicinity of former railway embankment.
Wilford Lane	Between Compton Acres and Ashdown Close.
Ruddington Lane	Between Fieldway and Wilford Lane Industrial Estate access road.
<b>In the City of Nottingham</b>	
Brooksby Lane	At junction with Farnborough Road.
Farnborough Road (north)	Between 144 Farnborough Road and the junction with Southchurch Drive.
Southchurch Drive	Between the junction with Farnborough Road (north) and the junction with Farnborough Road (south).
Dovenby Road	At junction with Southchurch Drive.
Varney Road	At junction with Southchurch Drive.
Rivergreen	At junction with Southchurch Drive.
Swansdowne Drive	At junction with Southchurch Drive.
Lanthwaite Road	At junction with Southchurch Drive.
Donnington Road	At junction with Southchurch Drive.
Green Lane	At junction with Southchurch Drive.
Dungannon Road	At junction with Southchurch Drive.
Whitegate Vale	At junction with Southchurch Drive.
Farnborough Road (south)	Between the junction with Southchurch Drive and the junction with Nottingham Road.
Highbank Drive	At junction with Farnborough Road.
Chepstow Road	At junction with Farnborough Road.

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<i>(1)</i> <i>Street affected</i>	<i>(2)</i> <i>Extent of stopping up</i>
Pastures Avenue	At junction with Farnborough Road.
Summerwood Lane	At junction with Farnborough Road.
Bransdale Road	At junction with Farnborough Road.
Chisbury Green	At junction with Farnborough Road.
<b>In the County of Nottinghamshire</b>	
Nottingham Road	Between junction of new Park and Ride site access and junction with Farnborough Road.
A453 Barton Lane/Green Street	At junction to entrance to new Park and Ride site.
Queen's Road	At junction with Meadow Lane and Station Road.
Meadow Lane	At junction with Queen's Road.
Station Road	At junction with Queen's Road.

## PART 2 **E+W**

### FOOTPATHS AND BRIDLEWAYS TO BE TEMPORARILY STOPPED UP

#### Commencement Information

**198** Sch. 5 Pt. 2 in force at 9.6.2009, see [art. 1](#)

#### Key to Schedule 5 Part 2

TS	Temporary stopping up of street
NET	Nottingham Express Transit

<i>(1)</i> <i>Street Affected</i>	<i>(2)</i> <i>Extent of stopping up</i>
<b>In the City of Nottingham</b>	
Path at north end of Queen's Walk adjacent to Sheriffs Way	Between TS1 & TS2.
Path at north end of Queen's Walk adjacent to No. 27 Blackstone Walk	Between TS3 & TS4.
Path at north end of Queen's Walk adjacent to No. 31 Houseman Gardens	Between TS5 & TS6.
Path at north end of Queen's Walk adjacent to No. 31 Houseman Gardens	Between TS7 & TS8.

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<i>(1)</i> <i>Street Affected</i>	<i>(2)</i> <i>Extent of stopping up</i>
Path immediately to the south of Meadows Centre NET stop	Between TS9 & TS10.
Path to the south of Meadows Centre NET stop	Between TS11 & TS12.
Path to the south of Meadows Centre NET stop	Between TS13 & TS14.
Path to the north of Robin Hood Way	Between TS15 & 6.
Path to the south of Robin Hood Way	Between TS17 & TS18.
Path to the south of Robin Hood Way	Between TS19 & TS20.
Path to the south of Robin Hood Way	Between TS21 & TS22.
Path in the vicinity of Helvellyn Close	Between TS27 & TS28.
Path in the vicinity of No. 24 Ferngill Close	Between TS29 & TS30.
Path in the vicinity of Blair Court	Between TS23 & TS24.
Path in the vicinity of Blair Court	Between TS25 & TS26.
Path adjacent to Meadow Bank Day Hospital	Between TS33 & TS34.
Path between Meadow Bank Day Hospital and Robin Hood Way	Between TS35 & TS36.
Path to the south of Queen’s Walk NET stop	Between TS37 & TS38.
Path between Carroll Gardens and Queen’s Walk	Between TS41 & TS42.

SCHEDULE 6 **E+W**

Article 29

LAND NOT TO BE ACQUIRED COMPULSORILY

**Commencement Information**

**I99** Sch. 6 in force at 9.6.2009, see [art. 1](#)

<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Number of land shown on works and land plans</i>
<b>In the City of Nottingham</b>	
NG <sup>2</sup> ; Development Site Spine Road	721, 731, 733, 735, 736, 737, 741, 743, 744, 746, 747, 748, 749, 750 & 752
Open Space	713, 714, 715, 717, 718, 719, 723, 931, 932, 935, 946, 981, 991, 995, 1150, 1153, 1156, 1159 & 1193
<b>In the Borough of Rushcliffe</b>	
Open Space	1001, 1005, 1006, 1011 & 1025

<i>(1)</i> Location	<i>(2)</i> Number of land shown on works and land plans
<b>In the Borough of Broxtowe</b>	
Open Space	26, 32, 33, 37, 42, 66, 67, 262, 504, 507, 508, 509, 510 & 511
33-39 The Square, Beeston	279, 280, 281 & 284

SCHEDULE 7 **E+W**

Article 32

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

*Compensation enactments*

1. The enactments for the time being in force with respect to compensation for the compulsory purchase of land shall 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 as they apply as respects compensation on the compulsory purchase of land and interests in land.

**Commencement Information**

**I100** Sch. 7 para. 1 in force at 9.6.2009, see [art. 1](#)

2.—(1) Without limiting the scope of paragraph 1, the Land Compensation Act 1973<sup>(52)</sup> shall have effect subject to the modifications set out in sub-paragraphs (2) and (3).

(2) In section 44(1) (compensation for injurious affection), as it applies to compensation for injurious affection under section 7 of the 1965 Act as substituted by paragraph 4—

- (a) for the words “land is acquired or taken” there shall be substituted the words “a right over land is purchased”; and
- (b) for the words “acquired or taken from him” there shall be substituted the words “over which the right is exercisable”.

(3) In section 58(1) (determination of material detriment where part of house etc. proposed for compulsory acquisition), as it applies to determinations under section 8 of the 1965 Act as substituted by paragraph 5—

- (a) for the word “part” in paragraphs (a) and (b) there shall be substituted the words “a right over land consisting”;
- (b) for the word “severance” there shall be substituted the words “right over the whole of the house, building or manufactory or of the house and the park or garden”;
- (c) for the words “part proposed” there shall be substituted the words “right proposed”; and
- (d) for the words “part is” there shall be substituted the words “right is”.

(52) 1973 c. 26.

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**Commencement Information**

**I101** Sch. 7 para. 2 in force at 9.6.2009, see [art. 1](#)

*Adaptation of the 1965 Act*

**3.—(1)** The 1965 Act shall have effect with the modifications necessary to make it apply to the compulsory acquisition under this Order of a right by the creation of a new right as it applies to the compulsory acquisition under this Order of land, so that, in appropriate contexts, references in that Act to land are 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
- (b) the land over which the right is or is to be exercisable.

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

**Commencement Information**

**I102** Sch. 7 para. 3 in force at 9.6.2009, see [art. 1](#)

**4.** For section 7 of the 1965 Act (measure of compensation) there shall be substituted the following section:—

“**7.** In assessing the compensation to be paid by the acquiring authority under this Act regard shall be had not only to the extent (if any) to which the value of the land over which the right is to be acquired is depreciated by the acquisition of the right 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.”.

**Commencement Information**

**I103** Sch. 7 para. 4 in force at 9.6.2009, see [art. 1](#)

**5.** For section 8 of the 1965 Act (provisions as to divided land) there shall be substituted the following:—

“**8.—(1)** Where in consequence of the service on a person under section 5 of this Act of a notice to treat in respect of a right over land consisting of a house, building or manufactory or of a park or garden belonging to a house (“the relevant land”)—

- (a) a question of disputed compensation in respect of the purchase of the right would apart from this section fall to be determined by the Lands Tribunal (“the tribunal”); and
- (b) before the tribunal has determined that question, the tribunal is satisfied that the person has an interest in the whole of the relevant land and is able and willing to sell that interest, and—
  - (i) where that land consists of a house, building or manufactory, that the right cannot be purchased without material detriment to that land; or



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(ii) where that land consists of such a park or garden, that the right cannot be purchased without seriously affecting the amenity or convenience of the house to which that land belongs,

the Nottingham Express Transit System Order 2009<sup>(53)</sup> (“the Order”) shall, in relation to that person, cease to authorise the purchase of the right and be deemed to authorise the purchase of that person’s interest in the whole of the relevant land including, where the land consists of such a park or garden, the house to which it belongs, and the notice shall be deemed to have been served in respect of that interest on such date as the tribunal directs.

(2) Any question as to the extent of the land in which the Order is deemed to authorise the purchase of an interest by virtue of subsection (1) of this section shall be determined by the tribunal.

(3) Where in consequence of a determination of the tribunal that it is satisfied as mentioned in subsection (1) of this section the Order is deemed by virtue of that subsection to authorise the purchase of an interest in land, the acquiring authority may, at any time within the period of 6 weeks beginning with the date of the determination, withdraw the notice to treat in consequence of which the determination was made; but nothing in this subsection affects any other power of the authority to withdraw the notice.”.

**Commencement Information**

**I104** Sch. 7 para. 5 in force at 9.6.2009, see [art. 1](#)

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

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

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

**Commencement Information**

**I105** Sch. 7 para. 6 in force at 9.6.2009, see [art. 1](#)

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

<sup>(53)</sup> S.I. 2009/1300.

**Status:** Point in time view as at 09/06/2009.

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#### Commencement Information

**I106** Sch. 7 para. 7 in force at 9.6.2009, see [art. 1](#)

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

#### Commencement Information

**I107** Sch. 7 para. 8 in force at 9.6.2009, see [art. 1](#)

**9.** Section 22 of the 1965 Act (protection of acquiring authority's possession where by inadvertence an estate, right or interest has not been got in) shall be so modified as to enable the acquiring authority, in circumstances corresponding to those referred to in that section, to continue to be entitled to exercise the right acquired, subject to compliance with that section as respects compensation.

#### Commencement Information

**I108** Sch. 7 para. 9 in force at 9.6.2009, see [art. 1](#)

## SCHEDULE 8 E+W

Articles 19 and 34

### ACQUISITION OF NEW RIGHTS ONLY

#### Commencement Information

**I109** Sch. 8 in force at 9.6.2009, see [art. 1](#)

<i>(1)</i> Location	<i>(2)</i> Number of land shown on works and land plans
<b>In the County of Nottinghamshire</b>	
High Road	158, 164, 165, 166 & 167
High Road/Chilwell Road	180, 181, 182, 183, 184, 185, 186 & 187
Chilwell Road	243
Chilwell Road/Foster Avenue	264
Styring Street	297, 298, 299, 300 & 302
Middle Street	308 & 309
Middle Street	350, 364 & 365

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<i>(1)</i> Location	<i>(2)</i> Number of land shown on works and land plans
Middle Street/Humber Road	385
<b>In the City of Nottingham</b>	
Gregory Street	666 & 667
Southchurch Drive	1187, 1188, 1205, 1208, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231 & 1232
Southchurch Drive/Green Lane	1244

SCHEDULE 9 **E+W**

Articles 2(1), 5, 25 and 36

LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

**Commencement Information**

**I110** Sch. 9 in force at 9.6.2009, see [art. 1](#)

<i>(1)</i> Location	<i>(2)</i> Number of land shown on works and land plans	<i>(3)</i> Purpose for which temporary possession may be taken	<i>(4)</i> Scheduled work
<b>In the County of Nottinghamshire</b>			
Toton Lane	1 & 2	Highway works.	Work No.1
Toton Lane	5	Reconfigure retail site car park.	Work No.1
Inham Road	17, 18, 23 & 24	Highway works, footpath diversion and construction working area.	Work No.1
Inham Road/Eskdale Drive	21, 25, 27, 28 & 29	Highway works, footpath diversion and construction working area.	Work No.1
Eskdale Drive	30 & 31	Footpath diversion.	Work No.1
Eskdale Drive	35, 36 & 43	Relocate children's playground, footpath diversions and watercourse diversion.	Works Nos. 1 and 1A

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<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Number of land shown on works and land plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Scheduled work</i>
Eskdale Drive	38, 39, 40 & 41	Construction working area.	Work No.1
Sandby Court	55	Reconfigure surgery car park.	Work No.1
Bramcote Lane	62 & 64	Highway works.	Work No.1
Cator Lane	68, 69 & 70	Reconfigure access/ car park to residential home, diversion of main sewer and highway works.	Works Nos. 1, 1C and 2
Cator Lane	72	Reconfigure access to pumping station.	Work No.1
Cator Lane	77 & 78	Demolition of extension to property (No. 136 Cator Lane) and highway works.	Works Nos. 1 and 2
Cator Lane	80	Reconfigure access to residential home.	Works Nos. 2 and 2A
Cator Lane/High Road	86, 87, 88, 89, 90, 91, 92, 96, 98 & 100	Reconfigure allotment car park and diversion of culverted watercourse.	Works Nos. 2 and 2A
Gwenbrook Avenue	120A	Demolition of extension to property (No.41 Gwenbrook Avenue).	Work No.2
High Road/Bridge Avenue	142, 143, 144 & 145	Highway works.	Work No.2
High Road	147, 147A, 149 & 149A	Highway works.	Works Nos. 2 and 3
Holly Lane	161, 161A & 162	Highway works.	Work No.3
Ellis Grove	208 & 216	Highway works.	Work No.3
Imperial Road	224	Highway works.	Work No.3
Collin Street	240	Highway works.	Work No.3
Un-named access adjacent to Chilwell Road Methodist Church	254	Highway works.	Work No.3
Devonshire Avenue	259 & 260	Highway works.	Work No.3

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Middle Street/Church Street	257, 258, 295 & 296	Highway works.	Work No.3
Foster Avenue	265, 266A, 267A & 268A	Highway works and reconfigure public car park.	Work No.3B
Wollaton Road	271	Highway works.	Work No.3B
Middle Street	303 & 304	Highway works.	Work No.3
Hallam Road	305C, 306 & 306A	Highway works.	Work No.3
Station Road	318, 325, 326 & 327	Highway works.	Work No.3
Middle Street	337	Demolition of property (Funeral parlour).	Work No.3
Union Street	343 & 344	Highway works.	Work No.3
Middle Street	346 & 347	Reconfigure public car park.	Work No.3
City Road	372 & 373	Highway works.	Work No.3
Middle Street/The City	375, 376 & 378	Highway works.	Work No.3
Regent Street	368 & 369	Highway works.	Work No.3
Middle Street	382A & 383	Reconfigure accesses to Psychiatric Day Centre.	Work No.3
Humber Road	386, 387, 389, 390 & 392	Highway works.	Work No.3
Fletcher Road	395, 397, 399, 401, 403, 405, 407, 409, 411, 412, 413, 414, 416, 417, 418, 419, 420, 421, 422, 423, 424, 427, 428, 441 & 443	Construction working area for replacement of boundary treatments.	Work No.3
Fletcher Road (cul-de-sac)	438 & 439	Highway works.	Work No.3
Lower Court	462	Highway works.	Work No.3
Albert Road	464	Highway works.	Work No.3
Lower Road	466, 468, 470, 472, 474, 475, 476, 477, 479, 481 & 490	Construction working area for replacement of boundary treatments.	Work No.3
Lower Road/ University Boulevard	483	Highway works.	Work No.3

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Lower Road/Queen's Road East	493, 494, 496, 497, 498, 500, 501, 502 & 503	Construction working area for replacement of boundary treatments and landscaping works.	Work No.3
Queen's Road East	505, 506 & 514	Highway works.	Work No.3
<b>In the City of Nottingham</b>			
University Boulevard/ Queen's Road East	513 & 515	Highway works.	Work No.4
University Boulevard	517, 520, 523, 524 & 525	Highway works and construction working area.	Work No.4
University Boulevard	527	Landscaping and accommodation works to the Hockey Club.	Work No.4
University Boulevard	530	Highway works.	Works Nos. 4, 5 and 5A
University Boulevard	531, 532, 533, 536, 538, 540, 541 & 544	Highway works and modifications to Tennis Centre car park.	Works Nos. 4 and 5
University Boulevard/ East Road	546 & 556	Highway works.	Works Nos. 5 and 5A
Highfield Science Park access road	548 & 550	Highway works and landscaping works.	Work No. 5A
Beeston Road	553, 554, 559 & 560	Highway works and construction working area for replacement of boundary treatments.	Works Nos. 5 and 5A
Science Road	557, 583, 584 & 585	Highway works and reconfigure University car parks.	Works Nos. 5 and 5B
Greenfield Street	572	Demolition of outbuilding (No.21 Greenfield Street).	Work No.5
Clifton Boulevard/ South Road (QMC site)	600, 602, 603, 605, 607, 608 & 609	Construction site for QMC structure works.	Works Nos. 5, 6 and 6A
East Road (QMC site)	612, 613, 614, 615, 616, 617, 618 & 619	Construction site for QMC structure works.	Work No.6

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Abbey Street	629, 631 & 632	Highway works and construction compound.	Works Nos. 6 and 7
Gregory Street	645, 646 & 647	Highway works and remediation works to existing property (No.28 Gregory Street).	Work No.7
Abbey Bridge	654 & 659	Highway works.	Work No.7
Abbey Bridge/ Forsythia Gardens	655	Demolition of forecourt canopy.	Work No.7
Old Church Street	662	Highway works.	Work No.7
Gregory Street/ Lenton Lane	671, 673, 675, 679 & 681	Construction site for Nottingham Beeston Canal bridge works.	Work No.7
Lenton Lane	684 & 685	Realign highway access.	Work No.7
Lenton Lane	699	Construction site for realignment of Network Rail access road.	Works Nos. 7 and 8
Lenton Lane/ Lenton South Junction	704, 707, 708, 709 & 711	Construction site for Lenton Lane bridge works and highway works.	Work No.8
NG <sup>2</sup> ; Development Site spine road	753, 754, 755, 756 & 757	Highway works.	Work No.8
Queen's Drive/ NG <sup>2</sup> ; Development Site spine road	762, 763, 765, 766 & 767	Highway works.	Works Nos. 8 and 9
Meadows Way	769	Highway works.	Work No.9
Safron Gardens	771	Highway works.	Work No.9
Beardsley Gardens	772	Highway works.	Work No.9
Kelso Gardens	773 & 774	Highway works.	Work No.9
Gritley Mews	775 & 776	Highway works.	Work No.9
Castlefields	778	Highway works.	Work No.9
Kinglake Place	779	Highway works.	Work No.9

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<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Number of land shown on works and land plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Scheduled work</i>
Waterway Street/ Crocus Street/ Arkwright Street	780, 782, 783, 784, 786, 792, 793, 811, 812, 813, 817, 821 & 837	Highway works, demolition of property (Victor House) and construction working area.	Works Nos. 9 and 10
Meadows Way	787	Highway and landscaping works.	Work No.10
Meadows Way	797, 798, 799, 800, 801, 802, 803, 804, 827 & 831	Highway works, demolition of property (United Carpets & GSK Ltd) and landscaping works.	Work No.10
Crocus Street	833	Highway works.	Work No.10
Queens Road/Station Street	865, 866, 869, 871, 884, 885, 886, 891, 894, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921 & 922	Construction site for Nottingham Station structure works and possible construction compound.	Works Nos. 10 and 10B
Queens Road	855 & 876	Construction site for Nottingham Station structure works.	Works Nos. 10 and 10A
Carrington Street	872, 873, 874 & 875	Construction compound.	Works Nos. 10 and 10A
Station Street	878, 879, 880, 888, 889, 892, 895, 896, 897, 898, 899, 900, 901 & 902	Construction site for Nottingham Station structure works.	Works Nos. 10, 10A and 10B.
Sheriffs Way/Queen's Walk	927, 928, 929 & 933	Highway works and footpath diversions.	Works Nos. 11 and 11B
Queen's Walk	930	Footpath diversion.	Works Nos. 11 and 11A
Kirkewhite Walk	934	Footpath diversion.	Works Nos. 11 and 11A
Queen's Walk/Robin Hood Way/Victoria Embankment	936, 939, 945, 948, 949, 957, 959, 960 & 963	Highway works and footpath diversions.	Works Nos. 11 and 11B
Queen's Walk/Robin Hood Way	937, 938, 943 & 944	Highway works and footpath diversions.	Works Nos. 11 and 11A
Robin Hood Way/ Riverside Way	951, 953, 954, 955, 962, 969, 970 & 971	Highway works and footpath diversions.	Works Nos. 11, 11C, 11D and 11E



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<i>(1)</i> Location	<i>(2)</i> Number of land shown on works and land plans	<i>(3)</i> Purpose for which temporary possession may be taken	<i>(4)</i> Scheduled work
Main Road	964, 965, 966, 972, 975, 976, 978, 980, 982, 985 & 988	Construction site for Wilford Toll bridge works.	Works Nos. 12 and 12A
Coronation Avenue	996 & 997	Landscaping works.	Work No.12
Coronation Avenue	998	Construction site for flood retention and flood compensation works.	Work No.12
<b>In the County of Nottinghamshire</b>			
Coronation Avenue	999, 1000 & 1007	Highway works and construction site for flood retention and flood compensation works.	Works Nos. 13 and 13A
Coronation Avenue	1002, 1003 & 1012	Highway works, earthworks and landscaping works.	Work No.13
Wilford Lane	1028, 1030, 1031, 1032, 1033 & 1034	Highway works.	Works Nos. 13 and 14
<b>In the City of Nottingham</b>			
Wilford Lane	1039 & 1040	Highway works.	Works Nos. 13 and 14
<b>In the County of Nottinghamshire</b>			
Wilford Lane/ Ruddington Lane	1055, 1068, 1072 & 1073	Footpath diversions and landscaping works.	Works Nos. 14 and 14A
<b>In the City of Nottingham</b>			
Kynance Gardens	1063, 1064, 1065, 1066 & 1070	New footpath and footpath diversion.	Work No.14B
Wilford Lane/ Ruddington Lane	1075 & 1076	Protection of existing drain.	Work No.14
Ruddington Lane	1088, 1089 & 1090	Highway works.	Work No.14C
<b>In the County of Nottinghamshire</b>			
Ruddington Lane	1108, 1109, 1112, 1113, 1115, 1116, 1117, 1133 & 1134	Highway works and diversion of water main.	Works Nos. 14C and 14E

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<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Number of land shown on works and land plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Scheduled work</i>
<b>In the City of Nottingham</b>			
Parkland to the south of The Downs	1146, 1149, 1151, 1152, 1154, 1155, 1157 & 1158	New footpath and landscaping works.	Work No.15
Farnborough Road	1167	Highway works.	Work No.16
Brooksby Lane	1166	Highway works.	Work No.16
Farnborough Road/ Southchurch Drive	1169	Reconfigure access to St Francis Church.	Work No.16A
Farnborough Road/ Southchurch Drive	1170, 1171, 1173 & 1174	Highway works and reconfigure access to Community Centre car park.	Work No.16B
Southchurch Drive	1182 & 1183	Reconfigure access/ car park to Community Centre.	Work No.16B
Dovenby Road	1180	Highway works.	Work No.16
Varney Road	1189, 1190 & 1191	Highway works.	Work No.16
Rivergreen	1192	Highway works.	Work No.16
Swansdowne Drive	1194	Highway works.	Works Nos. 16 and 16C
Simone Gardens	1198	Highway works.	Work No.16
Lanthwaite Road	1201 & 1202	Highway works.	Works Nos. 16 and 16C
Southchurch Drive	1212	Realign access ramp.	Works Nos. 16 and 16C
Donington Road	1214	Highway works.	Work No.16
Green Lane	1234, 1236, 1237, 1239, 1240, 1241 & 1242	Highway works and landscaping works.	Works Nos. 16 and 16C
Dungannon Road	1246	Highway works.	Work No.17
Whitegate Vale	1248	Highway works.	Work No.17
Southchurch Drive	1249, 1252, 1253, 1255, 1257, 1259, 1261, 1265, 1268, 1270, 1272, 1273, 1276, 1278, 1280, 1282, 1284 & 1285	Construction of parking bays and realignment of footpath.	Work No.17

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<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Number of land shown on works and land plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Scheduled work</i>
Southchurch Drive/ Farnborough Road	1287, 1289, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302 & 1303	Relocation of service access and revised car park layout.	Work No.17
Southchurch Drive/ Farnborough Road	1290, 1291 & 1292	Highway works.	Work No.17
Highbank Drive	1306	Highway works.	Work No.17
Chepstow Road	1307	Highway works.	Work No.17
Pastures Avenue	1308 & 1309	Highway works.	Work No.17
Summerwood Lane	1310	Highway works.	Work No.17
Bransdale Lane	1312	Highway works.	Work No.17
Chisbury Green	1314	Highway works.	Work No.17
Nottingham Road/ Clifton Lane	1317, 1319 & 1321	Highway works and construction working area.	Work No.17
Nottingham Road	1323 & 1324	New footpath.	Work No.17B
<b>In the County of Nottinghamshire</b>			
Nottingham Road	1325	Highway works.	Work No.18
Barton Lane	1335	Highway works.	Work No.18B
<b>In the City of Nottingham</b>			
Barton Lane	1331	Highway works.	Work No.18B
<b>In the County of Nottinghamshire</b>			
Queen's Road West	1337, 1338 & 1339	Highway works.	Not applicable
Queen's Road	1340, 1341, 1342, 1343, 1344 & 1349	Highway works.	Not applicable
Beeston Sidings	1350, 1351 & 1352	Reconstruction of existing sidings.	Not applicable
<b>In the City of Nottingham</b>			
Beeston Sidings	1354	Reconstruction of existing sidings.	Not applicable

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## SCHEDULE 10 **E+W**

Article 50

### TRAFFIC REGULATION

#### Interpretation **E+W**

In column (1) of each of the tables below, the number before the forward slash refers to the relevant sheet number of the traffic regulation and rights of way plans, and the number after the forward slash refers to the relevant traffic regulation reference number shown on that sheet. In the event of there being any discrepancy between a provision in this Schedule and the illustration of that provision shown on the traffic regulation and rights of way plans, this Schedule prevails.

## PART 1 **E+W**

### STOPPING, WAITING, LOADING OR UNLOADING

#### Commencement Information

**III1** Sch. 10 Pt. 1 in force at 9.6.2009, see [art. 1](#)

#### (1) No waiting and no loading at any time

<i>(1)</i> No.	<i>(2)</i> Road	<i>(3)</i> Extent	<i>(4)</i> Notes
1/1.1	Toton Lane	East side from its junction with the A52 roundabout in a southeasterly direction for a distance of 430 metres	To maintain vehicular flow
1/1.2	Toton Lane	West side from its junction with the A52 roundabout in a southeasterly direction for a distance of 430 metres	To maintain vehicular flow
1/1.3	Access road to the tram Park & Ride site off Toton Lane	Both sides from its junction with Toton Lane in an easterly direction for a distance of 25 metres	To maintain vehicular flow
2/1.5	Inham Road	East side from a point 90 metres south of Valley Road in a southerly direction for a distance of 42 metres	To maintain vehicular flow
2/1.7	Inham Road	West side from a point 81 metres south of Valley Road in a	To maintain vehicular flow

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<i>(1)</i> No.	<i>(2)</i> Road	<i>(3)</i> Extent	<i>(4)</i> Notes
		southerly direction for a distance of 52 metres	
3/1.9	Bramcote Lane	East side from a point 80 metres north of Hall Drive in a northerly direction for a distance of 24 metres	To maintain vehicular flow
3/1.11	Bramcote Lane	West side from its junction with Sandby Court in a southerly direction for a distance of 50 metres	To maintain vehicular flow
4/1.14	Cator Lane	East side from a point 61 metres north of Brookland Drive in a northerly direction for a distance of 55 metres	To maintain vehicular flow
4/1.16	Cator Lane	West side from a point 60 metres north of Brookland Drive in a northerly direction for a distance of 65 metres	To maintain vehicular flow
4/1.336	New road off Cator Lane some 95 metres to the northwest of Brooklands Drive	Both sides from its junction with Cator Lane in an easterly direction for a distance of 114 metres	To protect tramway operation
5/1.17	College entrance road, off High Road	Both sides from its junction with High Road in a north-westerly direction for a distance of 15 metres	To maintain visibility
5/1.148	High Road	South-east side from a point 50 metres south-west of its junction with Holly Lane, in a north-easterly direction to a point 115 metres north-east of that junction, a total distance of 165 metres	To maintain visibility
5/1.150	High Road	North side from a point 91 metres north-east of its junction with Bridge Avenue in a north-easterly direction to a point 5	To maintain visibility. Subject to 5/3.6

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<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
		metres north-east of its junction with Park Road, a total distance of 163 metres	
5 & 6/1.155	Chilwell Road	North-west side from a point 104 metres south-west of its junction with Imperial Road in a north-easterly direction to a point 35 metres south-west of its junction with Foster Avenue, a total distance of 455 metres	To maintain visibility. Subject to 5/3.8
5 & 6/1.156	Chilwell Road	South-east side from a point 56 metres south-west of its junction with Ellis Grove (south-western arm), in a north-easterly direction to a point 35 metres north-east of its junction with Middle Street	To maintain visibility. Subject to 5/3.10
6/1.19	Middle Street	South side from its junction with Chilwell Road in a south-easterly direction for a distance of 49 metres	To maintain vehicular flow
6/1.20	Middle Street	North side from its junction with Chilwell Road in a south-easterly direction for a distance of 45 metres	To maintain vehicular flow
6/1.21	Devonshire Avenue	South-west side from its junction with Chilwell Road in a north-westerly direction for a distance of 42 metres	To maintain visibility
6/1.22	Devonshire Avenue	North-east side from its junction with Chilwell Road in a north-westerly direction for a distance of 27 metres	To maintain visibility

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<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
6/1.23	Middle Street	North-west side from a point 40 metres south-west of Styring Street in a north-easterly direction for a distance of 55 metres	To maintain vehicular flow
6/1.25	New access road (and tram route) between Styring Street and Chilwell Road	Both sides along its entire length	To maintain vehicular flow
6/1.26	Styring Street	Both sides from its junction with Middle Street in a north-westerly direction for a distance of 160 metres	To maintain vehicular flow
6/1.27	Hallam Road	Both sides from its junction with Middle Street in a south-easterly direction for a distance of 12 metres	To maintain visibility
6/1.29	Moore Gate	West side from its junction with Middle Street in a south-easterly direction for a distance of 5 metres	To maintain visibility
6/1.30	Moore Gate	East side from its junction with Middle Street in a south-easterly direction for a distance of 9 metres	To maintain visibility
6/1.31	Station Road	Both sides from its junction with Middle Street in a south-easterly direction for a distance of 20 metres	To maintain vehicular flow
6/1.33	New egress to Union Street	West side from its junction with Middle Street in a north-westerly direction for a distance of 30 metres	To maintain visibility
6/1.34	New egress to Union Street	East side from its junction with Middle Street in a north-westerly direction for a distance of 20 metres	To maintain visibility

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<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
6/1.35	Station Road	West side from its junction with Middle Street in a north-westerly direction for a distance of 46 metres	To maintain visibility
6/1.36	Station Road	North-east side from its junction with Middle Street in a north-westerly direction for a distance of 43 metres	To maintain visibility
6/1.162	Chilwell Road (new turning loop south-west of Foster Avenue)	Both sides from a point 40 metres south-west of the junction of Chilwell Road and Foster Avenue in a south-westerly and north-easterly direction for a distance of 30 metres	To maintain visibility
6/1.343	Chilwell Road	South-east side from a point 53 metres north-east of its junction with Middle Street in a north-easterly direction to its junction with Foster Avenue, a distance of 85 metres	To maintain vehicular flow
6/1.344	Middle Street	North-west side from a point 55 metres north-east of its junction with Styring Street in a north-easterly direction to a point 15 metres east of its junction with Regent Street, a distance of 370 metres	To maintain vehicular flow
6/1.350	Foster Avenue	Both sides from its junction with Chilwell Road in a north-westerly direction for a distance of 40 metres	To maintain vehicular flow
6 & 7/1.24	Middle Street	South side from a point 38 metres west of Styring Street in a north-easterly and	To maintain vehicular flow



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<i>(1)</i> No.	<i>(2)</i> Road	<i>(3)</i> Extent	<i>(4)</i> Notes
		easterly direction to its junction with Humber Road, a distance of 652 metres	
7/1.44	Humber Road	Both sides from its junction with Fletcher Road in a south-easterly direction for a distance of 28 metres	To maintain visibility
7/1.46	Humber Road	Both sides from its junction with Fletcher Road in a north-westerly direction for a distance of 25 metres	To maintain visibility
7/1.48	Fletcher Road	Both sides from its junction with Humber Road in a north-easterly direction for a distance of 249 metres including the turning head	To maintain vehicular flow. Subject to 7/7.42, 7/7.43, 7/7.44, 7/7.49, 7/7.50 & 7/7.51
7/1.50	Queen's Road East	West side from its junction with University Boulevard in a southerly direction for a distance of 107 metres	To maintain vehicular flow
7/1.51	Queen's Road East	East side from its junction with University Boulevard in a southerly direction for a distance of 107 metres	To maintain vehicular flow
7/1.53	University Boulevard	South side from a point 65 metres north-west of its junction with Queen's Road East in a south-easterly and easterly direction for a distance of 161 metres	To maintain vehicular flow
7/1.54	University Boulevard	North side from a point 65 metres north-west of its junction with Queen's Road East in a south-easterly and easterly direction	To maintain vehicular flow

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		for a distance of 174 metres	
7/1.59	Lower Road	Both sides from a point 107 metres north-east of Lower Court in a south-westerly direction for a distance of 200 metres including the turning head	To maintain visibility. Subject to 7/7.45, 7/7.46 & 7/7.47
8/1.60	Access road to University Sports Ground	Both sides from its junction with University Boulevard in a south-easterly direction for a distance of 36 metres	To maintain vehicular flow
8/1.63	University Boulevard	South-east side from a point 38 metres south-west of the access road to University Sports Ground in a north-easterly direction for a distance of 107 metres	To maintain visibility
8/1.222	University Boulevard	North-west side from a point 105 metres south-west of the unnamed access road to University Park in a north-easterly direction for a distance of 120 metres	To maintain vehicular flow
9/1.225	University Boulevard (north-east bound carriageway)	North-west side from its junction with East Drive in a south-westerly direction for a distance of 185 metres	To maintain vehicular flow
9/1.228	East Drive	Both sides from its junction with University Boulevard in a north-westerly direction for a distance of 40 metres	To maintain vehicular flow
9/1.230	Beeston Road (north-east bound carriageway)	North-west side from its junction with East Drive in a north-easterly direction for a distance of 50 metres	To maintain vehicular flow

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9/1.232	Beeston Road (south-west bound carriageway)	South-east side from its junction with Science Park access road in a north-easterly direction for a distance of 25 metres	To maintain vehicular flow
9/1.236	South-eastern access to Tennis Centre	Both sides from its junction with University Boulevard in a south-westerly direction for a distance of 35 metres	To maintain vehicular flow
9/1.238	Science Park access road	North-east side from its junction with Beeston Road/ University Boulevard in a south-easterly direction for a distance of 70 metres	To maintain vehicular flow
9/1.239	University Boulevard (south-west bound carriageway)	South-east side from its junction with Beeston Road/ University Boulevard in a south-westerly direction for a distance of 185 metres	To maintain vehicular flow
9/1.245	Science Park/Tennis Centre access road onto University Boulevard	Both sides from its junction with University Boulevard in a south-easterly direction for a distance of 33 metres	To maintain vehicular flow
9/1.351	Science Park access road	South-west side from its junction with Beeston Road/ University Boulevard in a south-easterly direction for a distance of 55 metres.	To maintain vehicular flow
10/1.65	Abbey Street	East side from a point 25 metres south of its junction with Priory Street in a northerly direction for a distance of 35 metres	To maintain vehicular flow
10/1.68	Abbey Street	West side from a point 26 metres south of its	To maintain vehicular flow

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<i>(1)</i> No.	<i>(2)</i> Road	<i>(3)</i> Extent	<i>(4)</i> Notes
		junction with Priory Street in a northerly direction for a distance of 180 metres	
10/1.76	Gregory Street (NW)	North side from its junction with Abbey Bridge/Abbey Street in a north-westerly direction for a distance of 50 metres	To maintain vehicular flow
10/1.77	Gregory Street (NW)	South side from its junction with Abbey Bridge/Abbey Street in a north-westerly direction for a distance of 51 metres	To maintain vehicular flow
10/1.78	Leen Gate	Both sides from its junction with Gregory Street in a westerly direction for a distance of 6 metres	To maintain visibility
10/1.80	Abbey Bridge	North-west side from its junction with Gregory Street in a north-easterly direction for a distance of 100 metres	To maintain vehicular flow
10/1.81	Abbey Bridge	South-east side from its junction with Gregory Street in a north-easterly direction for a distance of 36 metres	To maintain vehicular flow
10/1.345	Abbey Street	East side from a point 30 metres north of its junction with Priory Street in a northerly direction to its junction with Gregory Street, a distance of 115 metres	To maintain vehicular flow
10 & 11/1.72	Gregory Street (E)	South side from its junction with Abbey Bridge/Abbey Street in a south-easterly and easterly direction for a distance of 251 metres	To maintain vehicular flow

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<i>(1)</i> No.	<i>(2)</i> Road	<i>(3)</i> Extent	<i>(4)</i> Notes
10 & 11/1.75	Gregory Street (E)	North side from its junction with Abbey Bridge/Abbey Street in a south-easterly direction for a distance of 233 metres	To maintain vehicular flow
11/1.185	Lenton Lane	South-west side from its junction with Gregory Street (at Clayton's Bridge) in a south-easterly direction for a distance of 355 metres	To maintain visibility
11/1.186	Lenton Lane	North-east side from its junction with Gregory Street (at Clayton's Bridge) in a south-easterly direction for a distance of 360 metres	To maintain visibility
11/1.346	Un-named works access some 35 metres south-east of Willow Road and on the opposite side of Lenton Lane	Both sides from its junction with Lenton Lane in a north-easterly direction for a distance of 13 metres	To maintain vehicular flow
12/1.87	Northern approach road to King's Meadow Road roundabout	Both sides from its junction with the roundabout in a northerly direction for a distance of 14 metres	To maintain vehicular flow
12/1.89	King's Meadow Road roundabout	The entire length of carriageway on the outside of the roundabout	To maintain vehicular flow
12/1.91	King's Meadow Road	North side from its junction with King's Meadow Road roundabout in an easterly direction for a distance of 152 metres	To maintain vehicular flow
12/1.92	King's Meadow Road	South side from its junction with King's Meadow Road roundabout in an easterly direction for a distance of 152 metres	To maintain vehicular flow

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<i>(1)</i> No.	<i>(2)</i> Road	<i>(3)</i> Extent	<i>(4)</i> Notes
12/1.94	Southern approach road to King's Meadow Road roundabout	Both sides from its junction with the roundabout in a southerly direction for a distance of 22 metres	To maintain vehicular flow
12/1.95	King's Meadow Road	South side from its junction with the roundabout (180 metres west of Queen's Drive) in a westerly and south-westerly direction to the new car park entrance, a distance of 340 metres	To maintain vehicular flow
12/1.96	King's Meadow Road	North side from its junction with the roundabout (180 metres west of Queen's Drive) in a westerly and south-westerly direction to the new car park entrance, a distance of 350 metres	To maintain vehicular flow
12/1.97	Access road off King's Meadow Road some 85 metres west of Queen's Drive	Both sides from its junction with King's Meadow Road, in a north-easterly direction for a distance of 30 metres	To maintain vehicular flow
12/1.100	Queen's Drive	West side from a point 67 metres south of its junction with King's Meadow Road in a northerly direction for a distance of 162 metres	To maintain vehicular flow
12/1.102	Queen's Drive	East side from a point 61 metres south of its junction with King's Meadow Road in a northerly direction for a distance of 106 metres	To maintain vehicular flow
12, 13 & 14/1.103	Meadows Way	East side from a point 45 metres south of its	To maintain vehicular flow. Subject to

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<i>(1)</i> No.	<i>(2)</i> Road	<i>(3)</i> Extent	<i>(4)</i> Notes
		junction with Saffron Gardens in a northerly and easterly direction for a distance of 1073 metres, to a point 260 metres east of Sheriffs Way	13/6.3, 13/6.4, 13/6.5 & 13/6.6
12, 13 & 14/1.104	Meadows Way	West side from a point 38 metres north of its junction with Risley Drive, in a northerly and easterly direction for a distance of 1068 metres, to a point 200 metres east of Sheriffs Way	To maintain vehicular flow
14/1.105	Sheriffs Way	West side from its junction with Meadows Way in a southerly direction for a distance of 55 metres	To maintain vehicular flow
14/1.106	Sheriffs Way	East side from its junction with Meadows Way in a southerly direction for a distance of 53 metres	To maintain vehicular flow
14/1.111	Arkwright Street (New alignment)	Both sides from its junction with Crocus Street in a southerly direction to its junction with Meadows Way	To maintain vehicular flow
15/1.113	Queen's Walk	West side from its junction with Riverside Way in a north-easterly and north-westerly direction for a distance of 65 metres	To maintain vehicular flow
15/1.114	Riverside Way	North side from its junction with Queen's Walk in a westerly direction for a distance of 92 metres	To maintain vehicular flow
15/1.115	Victoria Embankment	Both sides from its junction with Riverside Way in a south-easterly	To maintain vehicular flow

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		direction for a distance of 10 metres	
15/1.117	Robin Hood Way	North side from a point 62 metres east of Mickleden Close in an easterly direction for a distance of 74 metres	To maintain vehicular flow
15/1.118	Robin Hood Way	South side from a point 60 metres west of Osier Road in a westerly direction for a distance of 78 metres	To maintain vehicular flow
15/1.216	Riverside Way	South-west side from its junction with Queen's Walk in a south-westerly direction for a distance of 40 metres	To maintain vehicular flow
16/1.119	Coronation Avenue	Both sides from a point 33 metres south-east of Vernon Avenue in a south-easterly direction for a distance of 57 metres	To maintain vehicular flow
18/1.123	Wilford Lane	North side from a point 76 metres east of Ashdown Close in an easterly direction for a distance of 46 metres	To maintain vehicular flow
18/1.124	Wilford Lane	South side from a point 76 metres east of Ashdown Close in an easterly direction for a distance of 46 metres	To maintain vehicular flow
19/1.127	Ruddington Lane	West side from a point 45 metres south of Fieldway in a southerly and south-easterly direction for a distance of 171 metres	To maintain vehicular flow
19/1.128	Ruddington Lane	East side from a point 45 metres south of Fieldway in a southerly and south-easterly direction for a distance of 169 metres	To maintain vehicular flow



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<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
21/1.132	Farnborough Road	North-east side from its junction with Southchurch Drive in a north-westerly direction for a distance of 55 metres	To maintain vehicular flow
21/1.133	Farnborough Road	West side from its junction with Southchurch Drive in a northerly direction for a distance of 55 metres	To maintain vehicular flow
21/1.253	Farnborough Road	South-west side from a point 36 metres south-east of Brooksby Lane in a north-westerly direction for a distance of 105 metres	To maintain vehicular flow
21/1.254	Farnborough Road	South-east side from a point 36 metres south-east of Brooksby Lane in a south-easterly direction for a distance of 115 metres	To maintain vehicular flow
21 & 22/1.134	Southchurch Drive	West side from its junction with Farnborough Road in a south-westerly and southerly direction for a distance of 1152 metres to its junction with Green Lane	To maintain vehicular flow. Subject to 22/5.10, 21/7.10, 21/7.11, 21/7.12, 21/7.13, 21/7.14, 21/7.15 & 21/7.59
21 & 22/1.255	Southchurch Drive	East side from its junction with Farnborough Road in a south-westerly and southerly direction for a distance of 1155 metres to its junction with Green Lane	To maintain vehicular flow. Subject to 22/5.3, 22/5.8, 22/5.11, 21/7.63, 21/7.4, 21/7.5, 21/7.6, 21/7.7, 21/7.8 & 21/7.9
22/1.352	Access road linking Green Lane and Southchurch Drive to Donington Road	Both sides from its junction with Southchurch Drive and Green Lane, in a north-westerly direction for a distance of 13 metres	To maintain vehicular flow

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<i>(1)</i> No.	<i>(2)</i> Road	<i>(3)</i> Extent	<i>(4)</i> Notes
22/1.135	Green Lane	North side from its junction with Southchurch Drive in a westerly direction for a distance of 39 metres	To maintain vehicular flow
22/1.136	Green Lane	South side from its junction with Southchurch Drive in a westerly direction for a distance of 46 metres	To maintain vehicular flow
22/1.137	Green Lane	North side from its junction with Southchurch Drive in an easterly direction for a distance of 51 metres	To maintain vehicular flow
22/1.138	Green Lane	South side from its junction with Southchurch Drive in an easterly direction for a distance of 39 metres	To maintain vehicular flow
22 & 23/1.289	Southchurch Drive	South-east side from its junction with Green Lane in a south-westerly and southerly direction for a distance of 577 metres to its junction with Farnborough Road	To maintain vehicular flow. Subject to 23/7.26, 23/7.27, 23/7.28, 23/7.29, 23/7.30 & 23/7.31
22 & 23/1.292	Southchurch Drive	North-west side from its junction with Green Lane in a south-westerly and southerly direction for a distance of 577 metres to its junction with Farnborough Road	To maintain vehicular flow. Subject to 23/7.18, 23/7.19, 23/7.20, 23/7.21, 23/7.22, 23/7.24, 23/7.25 & 23/7.53
23/1.139	Farnborough Road	North side from a point 48 metres east of its junction with Southchurch Drive in an easterly direction for a distance of 38 metres	To maintain vehicular flow

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23/1.309	Farnborough Road	South side from its junction with Southchurch Drive in an easterly direction for a distance of 90 metres	To maintain vehicular flow
23/1.333	Farnborough Road Service Road (adjacent to Holy Trinity church)	South side from the point where the eastern end of the Service Road joins Farnborough Road, for a distance of 15 metres in a westerly direction	To maintain vehicular flow
23/1.334	Farnborough Road Service Road (adjacent to Holy Trinity church)	North and north-east sides between its junctions with Farnborough Road at its eastern and north-western ends, for a distance of 57 metres	To maintain vehicular flow
23/1.335	Farnborough Road Service Road (adjacent to Holy Trinity church)	South-east side from the point where the north-western end of the Service Road joins Farnborough Road, for a distance of 14 metres in a south-easterly direction	To maintain vehicular flow
23 & 24/1.310	Farnborough Road	North side from its junction with Clifton Lane in an easterly direction for a distance of 661 metres to its junction with Southchurch Drive	To maintain vehicular flow. Subject to 24/7.37, 24/7.40 & 24/7.41
23 & 24/1.311	Farnborough Road	South side from its junction with Clifton Lane in an easterly direction for a distance of 623 metres to its junction with Southchurch Drive	To maintain vehicular flow. Subject to 23 & 24/7.32, 24/7.33, 24/7.34, 24/7.64 & 24/7.35
24 & 25/1.348	Nottingham Road	Both sides from its junction with Farnborough Road for a distance of 82 metres in a southerly direction	To maintain visibility

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24/1.349	Nottingham Road	Both sides from its junction with Farnborough Road for a distance of 60 metres in a northerly direction	To maintain visibility

**(2) No waiting at any time**

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
1/2.215	Access road to the tram Park & Ride site off Toton Lane	Both sides from a point 25 metres east of its junction with Toton Lane, in a north-easterly direction for a distance of 65 metres	To keep bus route clear
1/2.216	Bus route within the tram Park & Ride site off Toton Lane	North, east and south sides from a point 100 metres east of its junction with Toton Lane, in an easterly, southerly and westerly direction for a distance of 270 metres	To keep bus route clear
1/2.217	Bus route within the tram Park & Ride site off Toton Lane	West side, from a point 85 metres east of its junction with Toton Lane in a southerly direction for a distance of 80 metres	To keep bus route clear
2/2.1	Inham Road	East side from a point 44 metres south of Valley Road in a southerly direction for a distance of 46 metres	To maintain vehicular flow
2/2.2	Inham Road	East side from a point 132 metres south of Valley Road in a southerly direction for a distance of 28 metres	To maintain vehicular flow
2/2.3	Inham Road	West side from a point 42 metres south of Valley Road in a southerly direction for a distance of 39 metres	To maintain vehicular flow
2/2.4	Inham Road	West side from a point 133 metres south	To maintain vehicular flow

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		of Valley Road in a southerly direction for a distance of 29 metres	
3/2.5	Sandby Court	Both sides from its junction with Bramcote Lane in a westerly direction for a distance of 15 metres	To maintain vehicular flow
3/2.8	Bramcote Lane	East side from a point 104 metres north of the junction with Hall Drive in a northerly direction for a distance of 32 metres	To maintain vehicular flow
3/2.199	Bramcote Lane	East side from a point 60 metres north of the junction with Hall Drive in a northerly direction for a distance of 20 metres	To maintain vehicular flow
4/2.183	Cator Lane	West side from a point 125 metres north-west of Brookland Drive in a north-westerly direction for a distance of 10 metres	To maintain vehicular flow
4/2.184	Cator Lane	East side from a point 120 metres north-west of Brookland Drive in a north-westerly direction for a distance of 13 metres	To maintain vehicular flow
4/2.185	Cator Lane	West side from a point 50 metres north-west of Brookland Drive in a north-westerly direction for a distance of 10 metres	To maintain vehicular flow
4/2.186	Cator Lane	East side from a point 51 metres north-west of Brookland Drive in a north-westerly direction for a distance of 10 metres	To maintain vehicular flow
5/2.14	Un-named road adjoining south side of High Road, some 97	Both sides from its junction with High Road in a south-	To maintain visibility

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<i>(1)</i> No.	<i>(2)</i> Road	<i>(3)</i> Extent	<i>(4)</i> Notes
	metres south-west of Holly Lane	easterly direction for a distance of 10 metres	
5/2.16	Un-named road (depot access) adjoining south side of High Road, some 55 metres south-west of Holly Lane	Both sides from its junction with High Road in a south-east and southerly direction for a distance of 10 metres	To maintain visibility
5/2.18	Holly Lane	Both sides from its junction with High Road in a south-easterly direction for a distance of 10 metres	To maintain visibility
5/2.20	Wilmot Lane (new alignment)	West side from its junction with High Road in a south-easterly direction for a distance of 15 metres	To maintain visibility
5/2.21	Wilmot Lane (new alignment)	East side from its junction with High Road in a south-easterly direction for a distance of 10 metres	To maintain visibility
5/2.22	Ellis Grove (south-western arm)	West side from its junction with Chilwell Road in a south-easterly direction for a distance of 15 metres	To maintain visibility
5/2.23	Ellis Grove (south-western arm)	East side from its junction with Chilwell Road in a south-easterly direction for a distance of 11 metres	To maintain visibility
5/2.24	Ellis Grove (north-eastern arm)	West side from its junction with Chilwell Road in a south-easterly direction for a distance of 12 metres	To maintain visibility
5/2.25	Ellis Grove (north-eastern arm)	East side from its junction with Chilwell Road in a south-easterly direction for a distance of 12 metres	To maintain visibility
5/2.26	Un-named access road to car park, south-east side of Chilwell Road	South-west side from its junction with Chilwell Road	To maintain visibility

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<i>(1)</i> No.	<i>(2)</i> Road	<i>(3)</i> Extent	<i>(4)</i> Notes
		in a south-easterly direction for a distance of 43 metres	
5/2.28	Imperial Road	East side from its junction with Chilwell Road in a north-westerly direction for a distance of 7 metres	To maintain visibility
5/2.29	Imperial Road	West side from its junction with Chilwell Road in a north-westerly direction for a distance of 13 metres	To maintain visibility
5/2.30	Park Road	Both sides from its junction with High Road in a north-westerly direction for a distance of 8 metres	To maintain visibility
5/2.32	Grove Avenue	Both sides from its junction with High Road in a north-westerly direction for a distance of 10 metres	To maintain visibility
5/2.34	High Road	North side from a point 42 metres north-east of Bridge Avenue in a north-easterly direction for a distance of 49 metres	No loading 7.30am-9.30am Mon-Fri
5/2.35	Un-named access road	Both sides from its junction with High Road, 27 metres south-west of Park Road in a north-westerly direction for a distance of 8 metres	To maintain visibility
5/2.9	High Road	South side from a point 25 metres north-east of Bridge Avenue in a north-easterly direction for a distance of 96 metres	No loading 4.00pm-6.00pm Mon-Fri
5/2.174	Chilwell Road	North side from a point 29 metres north-east of Park Road in a north-easterly	To protect the access road

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<i>(1)</i> No.	<i>(2)</i> Road	<i>(3)</i> Extent	<i>(4)</i> Notes
		direction for a distance of 7 metres	
5/2.207	Un-named access road to car park, south-east side of Chilwell Road	North-east side from its junction with Chilwell Road in a south-easterly direction for a distance of 30 metres	To maintain visibility
6/2.37	Willoughby Street	Both sides from its junction with Middle Street in a north-westerly direction for a distance of 10 metres	To maintain visibility
6/2.40	City Road	Both sides from its junction with Middle Street in a north-westerly direction for a distance of 17 metres	To maintain visibility
6/2.41	Regent Street	Both sides from its junction with Middle Street in a north-westerly direction for a distance of 26 metres	To maintain visibility
6/2.43	Un-named access road leading to Day Centre	East side from its junction with Middle Street in a south and south-easterly direction for a distance of 7 metres	To maintain visibility
6/2.44	Un-named access road leading to Three Horseshoes public house	West side from its junction with Middle Street in a southerly and south-westerly direction for a distance of 16 metres	To maintain visibility
6/2.45	Un-named access road leading to Three Horseshoes public house	South side from a point 11 metres south-east of Middle Street in a north-easterly and south-easterly direction for a distance of 11 metres	To maintain visibility
6/2.47	The City	West side from a point 35 metres north of its junction with City Road in a northerly	To maintain visibility



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<i>(1)</i> No.	<i>(2)</i> Road	<i>(3)</i> Extent	<i>(4)</i> Notes
		direction for a distance of 23 metres	
6/2.48	The City	South-east side from a point 35 metres north of its junction with City Road in a northerly direction for a distance of 17 metres	To maintain visibility
6/2.49	City Road	Both sides from its junction with Middle Street in a south-easterly direction for a distance of 9 metres	To maintain visibility
6/2.175	Middle Street	South side from a point 49 metres south-east of its junction with Chilwell Road in a south-easterly direction for a distance of 40 metres	No loading 7.30am-9.30am and 4.00pm-6.00pm Mon-Fri
6/2.176	Middle Street	North side from a point 45 metres south east of its junction with Chilwell Road in a south-easterly direction for a distance of 29 metres	No loading 7.30am-9.30am and 4.00pm-6.00pm Mon-Fri
6/2.177	Station Road	South-west side from a point 20 metres south-east of its junction with Middle Street in a south-easterly direction for a distance of 55 metres	No loading 7.30am-9.30am and 4.00pm-6.00pm Mon-Fri
6/2.178	Station Road	North-east side from a point 20 metres south-east of its junction with Middle Street in a south-easterly direction for a distance of 44 metres	No loading 7.30am-9.30am and 4.00pm-6.00pm Mon-Fri
6/2.179	New access road	North side from its junction with Foster Avenue in a north-easterly direction for a distance of 64 metres	To maintain vehicular flow

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6/2.181	New access road	South side from its junction with Foster Avenue in a north-easterly direction for a distance of 9 metres	To maintain vehicular flow
6/2.187	Foster Avenue	South-west side from a point 68 metres north-west of its junction with Chilwell Road in a south-easterly direction for a distance of 35 metres	To maintain vehicular flow
6/2.188	Foster Avenue	North-east side from a point 68 metres north-west of its junction with Chilwell Road in a south-easterly direction for a distance of 28 metres	To maintain vehicular flow
6/2.208	New access road (between Foster Avenue and Wollaton Road)	South-east side from its junction with Wollaton Road in a south-westerly direction for a distance of 62 metres	To maintain visibility
6/2.209	New access road (between Foster Avenue and Wollaton Road)	North-west side from its junction with Wollaton Road in a south-westerly direction for a distance of 8 metres	To maintain visibility
7/2.51	Un-named cul-de-sac serving 14-32 Fletcher Road	Both sides from its junction with Fletcher Road in a south-easterly direction for a distance of 12 metres	To maintain visibility
7/2.55	Lower Road	West side from its junction with University Boulevard in a southerly direction for a distance of 47 metres	To maintain traffic flow
7/2.56	Queen's Road East	West side from a point 107 metres south of University Boulevard in a southerly direction	To apply 7.30am-9.30am and 4.00pm-6.00pm Mon-Fri

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<i>(1)</i> No.	<i>(2)</i> Road	<i>(3)</i> Extent	<i>(4)</i> Notes
		for a distance of 54 metres	
7/2.57	Queen's Road East	East side from a point 107 metres south of University Boulevard in a southerly direction for a distance of 52 metres	To apply 7.30am-9.30am and 4.00pm-6.00pm Mon-Fri
7/2.58	Lower Road	East side from its junction with University Boulevard in a southerly direction for a distance of 40 metres	To maintain traffic flow
7/2.59	Albert Road	Both sides from its junction with Lower Road in a north-westerly direction for a distance of 8 metres	To maintain visibility
7/2.61	Lower Court	Both sides from its junction with Lower Road in a north-westerly direction for a distance of 8 metres	To maintain visibility
7/2.200	University Boulevard	Both sides from a point 65 metres north-west of its junction with Queen's Road East in a north-westerly direction for a distance of 21 metres	To maintain vehicular flow
9/2.212	Beeston Road	South-east side from a point 35 metres north-east of its junction with Science Park access road in a north-easterly direction for a distance of 50 metres	To maintain vehicular flow
10/2.211	Abbey Bridge	South-east side from a point 36 metres north-east of its junction with Gregory Street in a north-easterly direction for a distance of 42 metres	To maintain vehicular flow
11/2.65	Claytons Drive	Both sides from its junction with Gregory	To maintain visibility

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<i>(1)</i> No.	<i>(2)</i> Road	<i>(3)</i> Extent	<i>(4)</i> Notes
		Street, in a south-westerly direction for a distance of 7 metres	
11/2.67	Willow Road	Both sides from its junction with Lenton Lane in a south-westerly direction for a distance of 8 metres	To maintain visibility
11/2.69	Un-named access road leading to The Poplars	Both sides from its junction with Lenton Lane in a north-easterly direction for a distance of 9 metres	To maintain visibility
11/2.71	Un-named works access some 35 metres south-east of Willow Road and on the opposite side of Lenton Lane	East side from a point 13 metres north-east of its junction with Lenton Lane in a north-easterly direction for a distance of 13 metres	To maintain visibility
11/2.72	Un-named works access some 35 metres south-east of Willow Road and on the opposite side of Lenton Lane	West side from a point 13 metres north-east of its junction with Lenton Lane in a north-easterly direction for a distance of 12 metres	To maintain visibility
12/2.76	Saffron Gardens	Both sides from its junction with Meadows Way in a south-easterly direction for a distance of 7 metres	To maintain visibility
12/2.194	Access road off King's Meadow Road some 200 metres west of King's Meadow Road roundabout	Both sides from its junction with King's Meadow Road in a northerly direction for a distance of 6 metres	To maintain visibility
12/2.195	Access road off King's Meadow Road some 295 metres west of King's Meadow Road roundabout	Both sides from its junction with King's Meadow Road in a northerly direction for a distance of 6 metres	To maintain visibility
12/2.210	Access road off King's Meadow Road some 85 metres west of	Both sides from its junction with King's Meadow Road, in a	To maintain visibility

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<i>(1)</i> No.	<i>(2)</i> Road	<i>(3)</i> Extent	<i>(4)</i> Notes
	King's Meadow Road roundabout	northerly direction for a distance of 6 metres	
12/2.213	Meadows Way	East side from a point 40 metres north of its junction with Risley Drive in a northerly direction for a distance of 40 metres	To maintain vehicular flow
13/2.78	Beardsley Gardens	Both sides from its junction with Meadows Way in a southerly direction for a distance of 10 metres	To maintain visibility
13/2.80	Kelso Gardens	Both sides from its junction with Meadows Way in a south-easterly direction for a distance of 8 metres	To maintain visibility
13/2.82	Un-named access road to Gritley Mews	Both sides from its junction with Meadows Way in a south-easterly direction for a distance of 12 metres	To maintain visibility
13/2.84	Castlefields	Both sides from its junction with Meadows Way in an easterly direction for a distance of 7 metres	To maintain visibility
14/2.86	Kinglake Place	Both sides from its junction with Meadows Way in a southerly direction for a distance of 7 metres	To maintain visibility
15/2.97	Queen's Walk	East side from its junction with Victoria Embankment in a north-easterly direction for a distance of 55 metres	To maintain traffic flow
15/2.102	Sweet Leys Road	Both sides from its junction with the un-named access road to Cremorne Hotel, in a south-easterly	To maintain visibility

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		direction for a distance of 10 metres	
15/2.104	Carroll Gardens	Both sides from its junction with Queen's Walk in an easterly direction for a distance of 45 metres	To maintain traffic flow
15/2.106	Riverside Way	South side from a point 135 metres south-west of its junction with Victoria Embankment in a south-westerly direction for a distance of 54 metres	To maintain traffic flow
15/2.107	Riverside Way	North side from a point 92 metres south-west of its junction with Queen's Walk in a south-westerly direction for a distance of 104 metres	To maintain traffic flow
15/2.111	North-west bound link road between Riverside Way and Robin Hood Way	South-west side from its junction with Riverside Way in a north-westerly direction for a distance of 10 metres	To maintain traffic flow
15/2.112	North-west bound link road between Riverside Way and Robin Hood Way	North-east side from its junction with Riverside Way in a north-westerly direction for a distance of 8 metres	To maintain traffic flow
15/2.113	South-east bound link road between Riverside Way and Robin Hood Way	South-west side from its junction with Riverside Way in a north-westerly direction for a distance of 10 metres	To maintain traffic flow
15/2.114	South-east bound link road between Riverside Way and Robin Hood Way	North-east side from its junction with Riverside Way in a north-westerly direction for a distance of 12 metres	To maintain traffic flow

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15/2.117	Robin Hood Way	South-east side from a point 122 metres south-west of its junction with Soudan Drive in a south-westerly direction for a distance of 95 metres	To maintain traffic flow
15/2.120	Robin Hood Way	North-west side from a point 122 metres south-west of its junction with Soudan Drive in a south-westerly direction for a distance of 85 metres	To maintain traffic flow
18/2.121	Wilford Lane	North side from a point 15 metres west of its junction with Ashdown Close, in an easterly direction for a distance of 91 metres	To maintain vehicular flow
18/2.122	Wilford Lane	South side from a point 15 metres west of its junction with Ashdown Close in an easterly direction for a distance of 91 metres	To maintain vehicular flow
19/2.125	Un-named Industrial Estate access road	Both sides from its junction with Ruddington Lane in a north-easterly direction for a distance of 24 metres	To maintain vehicular flow
21/2.127	Brooksby Lane	Both sides from its junction with Farnborough Road, in a north-easterly direction for a distance of 13 metres	To maintain vehicular flow
21/2.129	Farnborough Road	East side from a point 36 metres south-east of Brooksby Lane, in a south-easterly direction for a distance of 29 metres	To maintain vehicular flow
21/2.130	Farnborough Road	West side from a point 36 metres south-east of Brooksby Lane	To maintain vehicular flow

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21/2.131	Dovenby Road	in a south-easterly direction for a distance of 29 metres Both sides from its junction with Southchurch Drive, in a south-easterly direction for a distance of 16 metres	To maintain vehicular flow
21/2.133	Entrance to community centre, 60 metres north-west of Varney Road	Both sides from its junction with Southchurch Drive in a north-westerly direction for a distance of 15 metres	To maintain vehicular flow
21/2.135	Varney Road	Both sides from its junction with Southchurch Drive in a north-westerly direction for a distance of 9 metres	To maintain vehicular flow
21/2.191	Un-named access road	Both sides from the junction with Farnborough Road in a south-westerly direction for a distance of 16 metres	To maintain vehicular flow
21/2.214	Farnborough Road	North-east side from a point 65 metres north-west of its junction with Southchurch Drive in a north-westerly direction for a distance of 25 metres	To maintain vehicular flow
22/2.137	Rivergreen	Both sides from its junction with Southchurch Drive in a westerly direction for a distance of 8 metres	To maintain vehicular flow
22/2.139	Swansdowne Drive	Both sides from its junction with Southchurch Drive in an easterly direction for a distance of 18 metres	To maintain vehicular flow
22/2.141	Simone Gardens	Both sides from its junction with	To maintain vehicular flow



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<i>(1)</i> No.	<i>(2)</i> Road	<i>(3)</i> Extent	<i>(4)</i> Notes
		Southchurch Drive in a westerly direction for a distance of 7 metres	
22/2.143	Lanthwaite Road	Both sides from its junction with Southchurch Drive in an easterly direction for a distance of 24 metres	To maintain vehicular flow
22/2.146	Donington Road	Both sides from a point 15 metres west of its junction with Southchurch Drive in a westerly direction for a distance of 22 metres	To maintain vehicular flow
22/2.150	Green Lane	North side from a point 39 metres west of Southchurch Drive in a westerly direction for a distance of 36 metres	To maintain vehicular flow
22/2.151	Green Lane	South side from a point 46 metres west of Southchurch Drive in a westerly direction for a distance of 35 metres	To maintain vehicular flow
22/2.198	Southchurch Drive	East side from a point 103 metres north of the junction with Green Lane in a northerly direction for a distance of 8 metres	To protect access to library
23/2.152	Un-named access road to Whiteways Court	Both sides from its junction with Green Lane in a westerly direction for a distance of 7 metres	To maintain vehicular flow
23/2.154	Dungannon Road	North side from its junction with Southchurch Drive in an easterly direction for a distance of 17 metres	To maintain vehicular flow
23/2.155	Dungannon Road	South side from its junction with Southchurch Drive in	To maintain vehicular flow

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<i>(1)</i> No.	<i>(2)</i> Road	<i>(3)</i> Extent	<i>(4)</i> Notes
		an easterly direction for a distance of 27 metres	
23/2.156	Whitegate Vale	Both sides from its junction with Southchurch Drive in a westerly direction for a distance of 21 metres	To maintain vehicular flow
23/2.158	Un-named access to local shops	Both sides from its junction with Southchurch Drive in a westerly direction for a distance of 10 metres	To maintain vehicular flow
23/2.162	Highbank Drive	Both sides from its junction with Farnborough Road in a southerly direction for a distance of 10 metres	To maintain vehicular flow
24/2.164	Chepstow Road	Both sides from its junction with Farnborough Road in a northerly direction for a distance of 7 metres	To maintain vehicular flow
24/2.166	Pastures Avenue	Both sides from its junction with Farnborough Road in a southerly direction for a distance of 12 metres	To maintain vehicular flow
24/2.168	Summerwood Lane	Both sides from its junction with Farnborough Road in a southerly direction for a distance of 18 metres	To maintain vehicular flow
24/2.170	Barnsdale Road	Both sides from its junction with Farnborough Road, in a northerly direction for a distance of 9 metres	To maintain vehicular flow
24/2.172	Chisbury Green	Both sides from its junction with Farnborough Road in a southerly direction for a distance of 20 metres	To maintain vehicular flow
25/2.203	Nottingham Road	East side from a point 30 metres south of its	To maintain vehicular flow

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		junction with the new Park & Ride entrance in a northerly direction for a distance of 90 metres	
25/2.204	Nottingham Road	West side from a point 30 metres south of its junction with the new Park and Ride entrance in a northerly direction for a distance of 90 metres	To maintain vehicular flow
25/2.205	Access road to the tram Park & Ride site off Nottingham Road	Both sides from its junction with Nottingham Road in a north-westerly and north-easterly direction for a distance of 140 metres	To keep bus route clear
25/2.218	Bus route in the north-east quadrant of the tram Park & Ride site off Nottingham Road	North-west, north-east and south-east sides, from a point 140 metres north-west of Nottingham Road as measured along the carriageway, in a north-easterly, south-easterly and south-westerly direction for a distance of 180 metres	To keep bus route clear
25/2.219	Bus route in the north-west quadrant of the tram Park & Ride site off Nottingham Road	North-west, north-east, south-east and south-west sides, from a point 510 metres north-east of Green Street as measured along the carriageway, in a north-easterly, south-easterly, south-westerly and north-westerly direction for a distance of 385 metres	To keep bus route clear
25 & 26/2.206	Access road from Green Street to the tram Park & Ride site off Nottingham Road	Both sides from its junction with Green Street in a south-easterly, north-easterly and easterly direction	To keep bus route clear

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		for a distance of 510 metres	

### (3) Loading bay

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
5/3.4	Imperial Road	South-west side from a point 13 metres north-west of its junction with Chilwell Road in a north-westerly direction for a distance of 8 metres	To provide for local businesses
5/3.5	Imperial Road	North-east side from a point 7 metres north-west of its junction with Chilwell Road in a north-westerly direction for a distance of 7 metres	To provide for local businesses
5/3.6	High Road	North side from a point 5 metres south-west of its junction with Grove Avenue in a south-westerly direction for a distance of 28 metres	To provide for local businesses
5/3.7	High Road	North side from a point 8 metres north-east of its junction with Park Road in a north-easterly direction for a distance of 21 metres	To provide for local businesses
5/3.8	Chilwell Road	North side from a point 66 metres north-east of its junction with Imperial Road in a north-easterly direction for a distance of 53 metres	To provide for local businesses
5/3.9	High Road	South-east side from a point 7 metres north-east of its junction with Holly Lane in a north-easterly	To provide for local businesses

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<i>(1)</i> No.	<i>(2)</i> Road	<i>(3)</i> Extent	<i>(4)</i> Notes
		direction for a distance of 14 metres	
5/3.10	Chilwell Road	South side between the two arms of its junction with Ellis Grove	To provide for local businesses
5/3.11	Chilwell Road	South side from the junction with Chilwell Road Methodist Church access road in a south-westerly direction for a distance of 27 metres	To provide for local businesses
5/3.14	High Road/Chilwell Road	North side from a point 36 metres north-east of its junction with Park Road in a north-easterly direction for a distance of 20 metres	To provide for local businesses
5/3.17	Un-named access road to car park, south-east side of Chilwell Road	North-east side from a point 37 metres south-east of its junction with Chilwell Road in a south-easterly direction for a distance of 6 metres	To provide for local businesses
6/3.13	Middle Street	North side from a point 15 metres north-east of its junction with Styring Street in a north-easterly direction for a distance of 40 metres	To provide for local businesses
10/3.16	Abbey Street	East side from a point 10 metres north of its junction with Priory Street in a northerly direction for a distance of 20 metres	To provide for local businesses

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## PART 2 E+W

### PARKING PLACES

#### Commencement Information

**1112** Sch. 10 Pt. 2 in force at 9.6.2009, see [art. 1](#)

#### (4) Designated parking

<i>(1)</i> No.	<i>(2)</i> Road	<i>(3)</i> Extent	<i>(4)</i> Notes
5/4.3	Un-named access road to car park, south-east side of Chilwell Road	North-east side from a point 30 metres south-east of its junction with Chilwell Road in a south-easterly direction for a distance of 7 metres	To provide parking for disabled drivers or passengers
6/4.2	New access road (between Foster Avenue and Wollaton Road)	South-east side from a point 34 metres north-east of Foster Avenue in a north-easterly direction for a distance of 7 metres	To provide parking for disabled drivers or passengers. To apply 8.00am-6.00pm Mon-Sat. Waiting limited to 3 hours, no return within 1 hour.
12/4.4	Meadows Way	East side from a point 45 metres south of its junction with Saffron Gardens in a southerly direction for a distance of 30 metres	Parking for police vehicles only
22/4.1	Southchurch Drive	West side from a point 94 metres north of its junction with Green Lane in a northerly direction for a distance of 18 metres	To provide parking for disabled drivers or passengers

#### (5) Timed parking, Mon-Sat 8.00am-6.00pm

<i>(1)</i> No.	<i>(2)</i> Road	<i>(3)</i> Extent	<i>(4)</i> Notes
5/5.1	Imperial Road	South-west side from its junction with Gladstone Street in a south-easterly direction for a distance of 24 metres	1hr limit

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5/5.2	Imperial Road	North-east side from its junction with Gladstone Street in a south-easterly direction for a distance of 35 metres	1hr limit
15/5.9	Riverside Way	South-east side from a point 90 metres south-west of Queen's Walk in a south-westerly direction for a distance of 45 metres	2hr limit
22/5.3	Southchurch Drive	East side from a point 67 metres north of its junction with Green Lane in a northerly direction for a distance of 36 metres	1hr limit
22/5.4	Southchurch Drive	West side from a point 68 metres north of its junction with Green Lane in a northerly direction for a distance of 26 metres	1hr limit
22/5.8	Southchurch Drive	East side from a point 20 metres north of its junction with Green Lane in a northerly direction for a distance of 44 metres	1hr limit
22/5.5	Southchurch Drive	West side from a point 21 metres north of its junction with Green Lane in a northerly direction for a distance of 44 metres	1hr limit
22/5.10	Southchurch Drive	West side from a point 88 metres south of Rivergreen in a southerly direction for a distance of 48 metres	To provide parking facilities
22/5.11	Southchurch Drive	East side from a point 27 metres north of Swansdowne Drive in a northerly direction for a distance of 40 metres	To provide parking facilities

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<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
24/5.6	Farnborough Road	North side from a point 12 metres east of Bransdale Road in an easterly direction for a distance of 26 metres	1hr limit

### **(6) Permit parking**

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
6/6.0	New access road (between Foster Avenue and Wollaton Road)	North-west side from a point 8 metres south-west of its junction with Wollaton Road, in a south-westerly direction for a distance of 31 metres	To provide parking facilities
6/6.1	New access road (between Foster Avenue and Wollaton Road)	South-east side from a point 9 metres north-east of its junction with Foster Avenue, in a north-easterly direction for a distance of 25 metres	To provide parking facilities
6/6.2	Chilwell Road	South-east side from a point 35 metres north-east of its junction with Middle Street in a north-easterly direction for a distance of 18 metres	To provide parking facilities
13/6.3	Meadows Way	South side from a point 23 metres north-east of the junction with Saffron Gardens in a north-easterly direction for a distance of 40 metres	To provide parking facilities
13/6.4	Meadows Way	South side from a point 72 metres north-east of the junction with Saffron Gardens in a north-easterly direction for a distance of 35 metres	To provide parking facilities
13/6.5	Meadows Way	South side from a point 17 metres west	To provide parking facilities



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<i>(1)</i> No.	<i>(2)</i> Road	<i>(3)</i> Extent	<i>(4)</i> Notes
		of the junction with Beardsley Gardens in a westerly direction for a distance of 32 metres	
13/6.6	Meadows Way	South side from a point 38 metres east of the junction with Kelso Gardens in an easterly direction for a distance of 59 metres	To provide parking facilities

**(7) Unrestricted parking (No Traffic Regulation applies)**

<i>(1)</i> No.	<i>(2)</i> Road	<i>(3)</i> Extent	<i>(4)</i> Notes
7/7.42	Fletcher Road	North-west side from a point 29 metres north-east of its junction with Humber Road in a north-easterly direction for a distance of 54 metres	To provide parking facilities
7/7.43	Fletcher Road	North-west side from a point 88 metres north-east of its junction with Humber Road in a north-easterly direction for a distance of 50 metres	To provide parking facilities
7/7.44	Fletcher Road	North-west side from a point 143 metres north-east from its junction with Humber Road in a north-easterly direction for a distance of 50 metres	To provide parking facilities
7/7.45	Lower Road	North-west side from a point 32 metres south-west from its junction with Lower Court in a south-westerly direction for a distance of 34 metres	To provide parking facilities
7/7.46	Lower Road	North-west side from a point 17 metres north-east from its junction with Lower Court	To provide parking facilities

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<i>(1)</i> No.	<i>(2)</i> Road	<i>(3)</i> Extent	<i>(4)</i> Notes
		in a north-easterly direction for a distance of 31 metres	
7/7.47	Lower Road	North-west side from its junction with Albert Road in a north-easterly direction for a distance of 21 metres	To provide parking facilities
7/7.48	Lower Road	North-west side from a point 49 metres north-east from its junction with Albert Road in a north-easterly direction for a distance of 33 metres	To provide parking facilities
7/7.49	Fletcher Road	South-east side from a point 32 metres north-east from its junction with Humber Road in a north-easterly direction for a distance of 35 metres	To provide parking facilities
7/7.50	Fletcher Road	South-east side from a point 90 metres north-east from its junction with Humber Road in a north-easterly direction for a distance of 46 metres	To provide parking facilities
7/7.51	Fletcher Road	South-east side from a point 141 metres north-east from its junction with Humber Road in a north-easterly direction for a distance of 49 metres	To provide parking facilities
7/7.52	Lower Road	South-east side from a point 92 metres south-west from its junction with University Boulevard in a south-westerly direction for a distance of 40 metres	To provide parking facilities
21/7.10	Southchurch Drive	North-west side from a point 64 metres south-east of Varney Road in a south-westerly	To provide parking facilities

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		direction for a distance of 32 metres	
21/7.11	Southchurch Drive	North-west side from a point 101 metres south-east of Varney Road in a south-westerly direction for a distance of 15 metres	To provide parking facilities
21/7.12	Southchurch Drive	North-west side from a point 124 metres south-east of Varney Road in a south-westerly direction for a distance of 27 metres	To provide parking facilities
21/7.13	Southchurch Drive	West side from a point 168 metres south-east of Varney Road in a south-westerly direction for a distance of 27 metres	To provide parking facilities
21/7.14	Southchurch Drive	West side from a point 116 metres north of Rivergreen in a northerly direction for a distance of 15 metres	To provide parking facilities
21/7.15	Southchurch Drive	West side from a point 88 metres north of Rivergreen in a northerly direction for a distance of 15 metres	To provide parking facilities
21/7.4	Southchurch Drive	South-east side from a point 68 metres south-west of Dovenby Road in a south-westerly direction for a distance of 25 metres	To provide parking facilities
21/7.5	Southchurch Drive	South-east side from a point 98 metres south-east of Dovenby Road in a south-westerly direction for a distance of 26 metres	To provide parking facilities
21/7.59	Southchurch Drive	West side from a point 199 metres south-east of the junction with Varney Road in a south-easterly	To provide parking facilities

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		direction for a distance of 20 metres	
21/7.6	Southchurch Drive	South-east side from a point 138 metres south-east of Dovenby Road in a south-westerly direction for a distance of 30 metres	To provide parking facilities
21/7.7	Southchurch Drive	South-east side from a point 210 metres south-east of Dovenby Road in a south-westerly direction for a distance of 15 metres	To provide parking facilities
21/7.8	Southchurch Drive	East side from a point 323 metres south-east of Dovenby Road in a south-westerly direction for a distance of 15 metres	To provide parking facilities
21/7.9	Southchurch Drive	East side from a point 347 metres south-east of Dovenby Road in a south-westerly direction for a distance of 27 metres	To provide parking facilities
21/7.63	Southchurch Drive	South-east side from a point 42 metres south-west of its junction with Dovenby Road in a south-westerly direction for a distance of 18 metres	To provide parking facilities
21/7.66	Southchurch Drive	North-west side from a point 15 metres north-east of its junction with Varney Road in a north-easterly direction for a distance of 20 metres	To provide parking facilities
23/7.18	Southchurch Drive	West side from a point 18 metres south-west of un-named access road to Whiteways Court in a south-westerly direction for a distance of 25 metres	To provide parking facilities

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23/7.19	Southchurch Drive	West side from a point 52 metres south-west of un-named access road to Whiteways Court in a south-westerly direction for a distance of 15 metres	To provide parking facilities
23/7.20	Southchurch Drive	West side from a point 115 metres north-east of Whitegate Vale in a north-easterly direction for a distance of 32 metres	To provide parking facilities
23/7.21	Southchurch Drive	West side from a point 55 metres north-east of Whitegate Vale in a north-easterly direction for a distance of 22 metres	To provide parking facilities
23/7.22	Southchurch Drive	West side from a point 19 metres south-west of Whitegate Vale in a south-westerly direction for a distance of 26 metres	To provide parking facilities
23/7.24	Southchurch Drive	West side from a point 106 metres south-west of Whitegate Vale in a southerly direction for a distance of 41 metres	To provide parking facilities
23/7.25	Southchurch Drive	West side from a point 154 metres south-west of Whitegate Vale in a southerly direction for a distance of 27 metres	To provide parking facilities
23/7.26	Southchurch Drive	East side from a point 145 metres north-east of Dungannon Road in a north-easterly direction for a distance of 19 metres	To provide parking facilities
23/7.27	Southchurch Drive	East side from a point 100 metres north-east of Dungannon Road in a north-easterly direction for a distance of 27 metres	To provide parking facilities

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23/7.28	Southchurch Drive	East side from a point 65 metres north-east of Dungannon Road in a north-easterly direction for a distance of 27 metres	To provide parking facilities
23/7.29	Southchurch Drive	East side from a point 25 metres north-east of Dungannon Road in a north-easterly direction for a distance of 15 metres	To provide parking facilities
23/7.30	Southchurch Drive	East side from a point 147 metres south-west of Dungannon Road in a southerly direction for a distance of 50 metres	To provide parking facilities
23/7.31	Southchurch Drive	East side from a point 230 metres south-west of Dungannon Road in a southerly direction for a distance of 47 metres	To provide parking facilities
23/7.53	Southchurch Drive	West side from a point 32 metres north-east from its junction with Whitegate Vale in a north-easterly direction for a distance of 15 metres	To provide parking facilities
23/7.61	Farnborough Road Service Road (adjacent to Holy Trinity church)	South-west side from a point 15 metres west of its easterly junction with Farnborough Road, to a point 14 metres south-east of its north-westerly junction with Farnborough Road, a distance of 36 metres	To provide parking facilities
23/7.65	Southchurch Drive	West side from a point 90 metres north-east of Whitegate Vale in a north-easterly direction for a distance of 17 metres	To provide parking facilities

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23 & 24/7.32	Farnborough Road	South side from a point 22 metres west of Highbank Drive in a westerly direction for a distance of 35 metres	To provide parking facilities
24/7.33	Farnborough Road	South side from a point 60 metres west of Highbank Drive in a westerly direction for a distance of 30 metres	To provide parking facilities
24/7.34	Farnborough Road	South side from a point 55 metres east of Pastures Avenue in an easterly direction for a distance of 25 metres	To provide parking facilities
24/7.35	Farnborough Road	South side from a point 25 metres west of Pastures Avenue in a westerly direction for a distance of 34 metres	To provide parking facilities
24/7.36	Farnborough Road	South side from a point 15 metres east of Chisbury Green in an easterly direction for a distance of 42 metres	To provide parking facilities
24/7.37	Farnborough Road	North side from a point 50 metres west of Chepstow Road in a westerly direction for a distance of 15 metres	To provide parking facilities
24/7.40	Farnborough Road	North side from a point 13 metres west of Bransdale Road in a westerly direction for a distance of 25 metres	To provide parking facilities
24/7.41	Farnborough Road	North side from a point 54 metres west of Bransdale Road in a westerly direction for a distance of 21 metres	To provide parking facilities
24/7.64	Farnborough Road	South side from a point 35 metres east of its junction with Pastures Avenue for a distance of 16 metres in an easterly direction	To provide parking facilities

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## PART 3 **E+W**

### DIRECTION OF TRAFFIC

#### Commencement Information

**I113** Sch. 10 Pt. 3 in force at 9.6.2009, see [art. 1](#)

#### (8) One way traffic

<i>(1)</i> No.	<i>(2)</i> Road	<i>(3)</i> Extent	<i>(4)</i> Notes
5/8.0	Ellis Grove	From its north-eastern junction with Chilwell Road in a south-easterly, south-westerly and north-westerly direction, to its south-western junction with Chilwell Road	To assist traffic flow
6/8.20	Chilwell Road Service Road	Between its two junctions with Chilwell Road, from a point 40 metres south-west of the Chilwell Road/Foster Avenue junction, to a point 60 metres south-west of that junction, in that direction	To assist traffic flow
6 & 7/8.10	Middle Street	From its junction with Humber Road in a south-westerly direction, to its junction with Regent Street	To assist traffic flow. Except trams and pedal cycles
7/8.1	Lower Road	From a point 45 metres north-east of its junction with Albert Road in a north-easterly and north-westerly direction to its junction with University Boulevard.	To assist traffic flow. Except trams and pedal cycles
15/8.7	Northbound link road between Riverside Way and Robin Hood Way	From the start of the Link Road, in a northerly direction to	To assist traffic flow



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		its junction with Robin Hood Way	
15/8.8	Southbound link road between Riverside Way and Robin Hood Way	From the start of the Link Road, in a southerly direction to its junction with Riverside Way	To assist traffic flow
23/8.9	Farnborough Road Service Road (adjacent to Holy Trinity church)	From its western junction with Farnborough Road to its eastern junction with Farnborough Road, in that direction	To assist traffic flow

#### **(9) Prohibition of movement**

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
5/9.7	No. 61 Depot exit (west) on to High Road	No right turn from the Depot exit into High Road	To maintain traffic flow and junction capacity
5/9.8	No. 61 Depot exit (east) on to High Road	No right turn from the Depot exit into High Road	To maintain traffic flow and junction capacity
6/9.9	Middle Street	No right turn from Middle Street into Chilwell Road	To maintain traffic flow and junction capacity
6/9.10	Moore Gate	No right turn from Moore Gate into Middle Street	To maintain traffic flow and junction capacity
6/9.11	Middle Street	No right turn from Middle Street into Moore Gate	To maintain traffic flow and junction capacity
9/9.12	East Drive	No right turn from East Drive into University Boulevard	To maintain traffic flow and junction capacity
9/9.18	Beeston Road, north-eastern end of the central island at the junction of Beeston Road/University Boulevard and East Drive	No U-turn from Beeston Road north-eastbound to Beeston Road south-westbound	To prevent hazardous traffic movements and possible carriageway obstruction

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9/9.19	University Boulevard, south-west bound carriageway	No left turn from University Boulevard into Science Road/ Tennis Centre egress road	To prevent hazardous traffic movements
9/9.20	University Boulevard, north-east bound carriageway	No right turn from University Boulevard into Science Road/ Tennis Centre egress road	To prevent hazardous traffic movements

#### (10) Prescribed movement

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
7/10.2	Lower Road	Left Turn Only from Lower Road into University Boulevard	To maintain traffic flow and junction capacity
9/10.1	Exit from the Tennis Centre	Left Turn Only from Tennis Centre exit into University Boulevard	To maintain traffic flow and junction capacity
10/10.3	South Road	Left Turn Only from South Road into Abbey Street	To maintain traffic flow and junction capacity
12/10.4	Unnamed access road	Left Turn Only from Un-named Access road into King's Meadow Road	To maintain traffic flow and junction capacity

## PART 4 **E+W**

### VEHICULAR ACCESS

#### Commencement Information

**I114** Sch. 10 Pt. 4 in force at 9.6.2009, see [art. 1](#)

#### (11) Prohibition of driving

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
5/11.6	Collin Street	From its junction with High Road, in a north-easterly direction for a distance of 7 metres	To prevent through traffic movements except pedal cycles

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<i>(1)</i> No.	<i>(2)</i> Road	<i>(3)</i> Extent	<i>(4)</i> Notes
6/11.1	Foster Avenue	Between its junctions with the new access road and Chilwell Road, for a distance of 34 metres	To be closed to all traffic except pedal cycles
6/11.3	Chilwell Road	From its junction with Foster Avenue in a south-westerly direction for a distance of 28 metres	Except pedal cycles and for loading
6/11.9	Chilwell Road	From its junction with Devonshire Avenue to a point 28 metres south-west of its junction with Foster Avenue (at the north-eastern end of the loading bay outside number 8a), a distance of approximately 103 metres	Except local buses, trams, pedal cycles and for loading, access to off-street premises and permit holders
6/11.12	Styring Street	From its junction with Middle Street in a north-westerly direction to its junction with the new tramway access road linking Styring Street to Chilwell Road	To prevent vehicles encroaching on the tram route except for local buses, trams, authorised vehicles and access to off-street premises
6/11.13	New tramway access road between Styring Street and Chilwell Road	Its entire length	To prevent vehicles encroaching on the tram route except for local buses, trams, authorised vehicles and access to off-street premises
6 & 7/11.11	Middle Street, north side	From a point 13 metres north-east of its junction with Regent Street in an easterly direction for a distance of 175 metres	To prevent vehicles encroaching on the tram route in a north-eastbound direction only, trams and pedal cycles excepted
7/11.10	Fletcher Road/ Lower Road	In between the two accesses to Neville Sadler Court. North to south for a distance of 6 metres	To prevent vehicles encroaching on the tram route, covering the width of both

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14/11.4	Arkwright Street (North) (new alignment)	From its junction with Crocus Street, in a southerly direction to its junction with Meadows Way	tramlines, trams and pedal cycles excepted To prevent through traffic movements except local buses, taxis and pedal cycles; trams permitted to cross

**(12) All vehicles prohibited except trams**

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
7/12.12	New tramway leading off Queen's Road East, parallel to and some 30 metres south of University Boulevard	From its junction with Queen's Road East for a distance of 30 metres in an easterly direction	To prevent vehicles encroaching on the tram route, covering the width of both tramlines
7/12.13	New length of tramway between Queen's Road East and Lower Road	North-east side from its junction with Queen's Road East in a south-westerly direction for a distance of 11 metres	To prevent vehicles encroaching on the tram route in an eastbound direction only
7/12.14	New length of tramway between Queen's Road East and Lower Road	South-east side in a south-westerly direction for a distance of 46 metres	To prevent vehicles encroaching on the tram route in a south-westbound direction only
7/12.38	Queen's Road East	Gap in central reservation, some 25 metres to the south of its junction with University Boulevard	To prevent vehicles encroaching on the tram route, covering the width of both tramlines
10/12.15	Abbey Street	From a point 61 metres south-west of its junction with Gregory Street in a south-westerly direction for a distance of 50 metres	To prevent vehicles encroaching on the tram route in a southbound direction only
10/12.33	Gregory Street	From a point 22 metres south-east of the junction with Abbey Street in a southerly direction for a distance of 61 metres	To prevent vehicles encroaching on the tram route, covering the width of both tramlines

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11 & 12/12.17	King's Meadow Road	From the new car park entrance some 540 metres west of Queen's Drive, for a distance of 40 metres in a south-westerly direction	To prevent vehicles encroaching on the tram route, covering the width of both tramlines
12/12.18	King's Meadow Road	From a point 201 metres west of Queen's Drive in a westerly direction for a distance of 18 metres	To prevent vehicles encroaching on the tram route, covering the width of both tramlines
12/12.20	King's Meadow Road	From the junction with Queen's Drive in a westerly direction for a distance of 125 metres	To prevent vehicles encroaching on the tram route, covering the width of both tramlines
12/12.21	Queen's Drive	From a point opposite King's Meadow Road in a north-easterly direction for a distance of 12 metres	To prevent vehicles encroaching on the tram route, covering the width of both tramlines
12/12.22	Meadows Way	From its junction with Saffron Gardens in a southerly direction for a distance of 62 metres	To prevent vehicles encroaching on the tram route in a southbound direction only
12/12.34	King's Meadow Road	From a point 163 metres west of the junction with Queen's Drive in a westerly direction for a distance of 31 metres, i.e. the centre of the King's Meadow Road roundabout	To prevent vehicles encroaching on the tram route, covering the width of both tramlines
14/12.35	Meadows Way - Arkwright Street link	From its junction with Meadows Way, in a north-easterly direction for a distance of 48 metres	To prevent vehicles encroaching on the tram route, covering the width of both tramlines
14/12.37	Meadows Way	From a point 18 metres east of its junction with Sheriffs Way in an easterly direction for a distance of 49 metres	To prevent vehicles encroaching on the tram route, covering the width of the outbound line

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(1) No.	(2) Road	(3) Extent	(4) Notes
14 & 15/12.23	Queen's Walk	From its junction with Riverside Way in a northerly direction to its junction with Meadows Way, a distance of 765 metres	To prevent vehicles encroaching on the tram route. Covering the width of both tramlines
15 & 16/12.24	Main Road (Wilford Toll Bridge)	From its junction with Riverside Way in a southerly direction for a distance of 400 metres	To prevent vehicles encroaching on the tram route, covering the width of both tramlines
23/12.28	Southchurch Drive	From a point 55 metres south of un-named access to local shops in a south-westerly direction for a distance of 88 metres	To prevent vehicles encroaching on the tram route, covering the width of both tramlines

## SCHEDULE 11 E+W

Articles 11, 41 and 67

### PROVISIONS RELATING TO STATUTORY UNDERTAKERS, ETC.

#### *Apparatus of statutory undertakers, etc., on land acquired*

1.—(1) Subject to the following provisions of this paragraph, sections 271 to 274 of the 1990 Act (power to extinguish rights of statutory undertakers, etc. and power of statutory undertakers, etc. to remove or re-site apparatus) shall apply in relation to any land acquired under this Order, or which is held by the promoter and is appropriated or used (or about to be used) by it for the purposes of the Order or any connected purpose, and all such other provisions of that Act as apply for the purposes of those provisions (including sections 275 to 278, which contain provisions consequential on the extinguishment of any rights under sections 271 and 272, and sections 279(2) to (4), 280 and 282, which provide for the payment of compensation) shall have effect accordingly.

(2) In the provisions of the 1990 Act, as applied by sub-paragraph (1), references to the appropriate Minister are references to the Secretary of State.

(3) Where any apparatus of public utility undertakers or of a public communications provider is removed in pursuance of a notice or order given or made under section 271, 272 or 273 of the 1990 Act, as applied by sub-paragraph (1), any person who is the owner or occupier of premises to which a supply was given from that apparatus shall be entitled to recover from the promoter 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.

(4) Sub-paragraph (3) shall not apply in the case of the removal of a public sewer but where such a sewer is removed in pursuance of such a notice or order as is mentioned in that sub-paragraph, 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, shall be entitled to recover from the promoter 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 sewage disposal plant.

(5) The provisions of the 1990 Act mentioned in sub-paragraph (1), as applied by that sub-paragraph, shall not have effect in relation to apparatus as respects which paragraph 2 or Part 3 of the 1991 Act applies.

(6) In this paragraph—

“public communications provider” has the same meaning as in section 151(1) of the Communications Act 2003<sup>(54)</sup>; and

“public utility undertakers” has the same meaning as in the 1980 Act.

#### Commencement Information

**1115** Sch. 11 para. 1 in force at 9.6.2009, see [art. 1](#)

#### *Apparatus of statutory undertakers, etc., in stopped up streets*

**2.—**(1) Where a street is stopped up under article 11 (stopping up of streets and extinguishment of rights) any statutory utility whose apparatus is under, in, upon, over, along or across the street shall have the same powers and rights in respect of that apparatus, subject to the provisions of this paragraph, as if this Order had not been made.

(2) The promoter shall give not less than 28 days' notice in writing of its intention to stop up any street under article 11 to any statutory utility whose apparatus is under, in, upon, over, along or across that street.

(3) Where notice under sub-paragraph (2) has been given, any statutory utility whose apparatus is under, in, upon, over, along or across the street may, where reasonably necessary for the efficient operation of the undertaking of the statutory utility and, if reasonably requested so to do by the promoter, shall—

- (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 that other position.

(4) Subject to the following provisions of this paragraph, the promoter shall 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 relocation works reasonably required in consequence of the stopping up of the street; and
- (b) the doing of any other work or thing rendered reasonably necessary by the execution of relocation works.

(5) If in the course of the execution of relocation works under sub-paragraph (3)—

- (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

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(54) 2003 c. 21.

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dimensions except where this has been solely due to using the nearest available type, capacity or dimension; 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 promoter, or, in default of agreement, is not determined by arbitration to be necessary in consequence of the construction of the relocation works in order to ensure the continued efficient operation of the undertaking of the statutory utility, 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 sub-paragraph would be payable to the statutory utility by virtue of sub-paragraph (4) shall be reduced by the amount of that excess.

- (6) For the purposes of sub-paragraph (5)—

- (a) an extension of apparatus to a length greater than the length of existing apparatus shall not be treated as a placing of apparatus of greater dimensions than those of the existing apparatus except in a case where the apparatus as so extended provides more than an equivalent service; 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 shall be treated as if it also had been agreed or had been so determined.

(7) An amount which apart from this sub-paragraph would be payable to a statutory utility in respect of works by virtue of sub-paragraph (4) (and having regard, where relevant, to sub-paragraph (5)) shall, 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 as calculated in accordance with the Code of Practice entitled “Measures Necessary where Apparatus is Affected by Major Works (Diversionary Works)” and dated June 1992 and approved by the Secretary of State on 30th June, 1992, as revised and re-issued from time to time.

(8) Sub-paragraphs (4) to (7) shall not apply where the authorised works constitute major transport works for the purposes of Part 3 of the 1991 Act, but instead—

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

- (9) In this paragraph—

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

“relocation works” means works executed, or apparatus provided, under sub-paragraph (3); and

“statutory utility” means a statutory undertaker for the purposes of the 1980 Act or a public communications provider as defined in paragraph 1(6).

#### **Commencement Information**

**I116** Sch. 11 para. 2 in force at 9.6.2009, see [art. 1](#)



SCHEDULE 12 **E+W**

Article 72

FOR PROTECTION OF ELECTRICITY, GAS, WATER AND SEWERAGE UNDERTAKERS

*Interpretation*

1. In this Schedule—

“apparatus” means—

- (a) in the case of a specified undertaker which is an electricity undertaker, electric lines or electrical plant (as defined in the Electricity Act 1989<sup>(55)</sup>) belonging to or maintained by that undertaker;
- (b) in the case of a specified undertaker which is a gas undertaker, mains, pipes or other apparatus belonging to or maintained by a gas transporter within the meaning of Part 1 of the Gas Act 1986<sup>(56)</sup> for the purposes of the transportation and storage of gas;
- (c) in the case of a specified undertaker which is a water undertaker—
  - (i) mains, pipes or other apparatus belonging to or maintained by the undertaker for the purposes of water supply; and
  - (ii) any water main or service pipe (or part of it) that is the subject of an agreement to adopt made under section 51A of the Water Industry Act 1991<sup>(57)</sup>; and
- (d) in the case of a specified undertaker which is a sewerage undertaker—
  - (i) any drain or works vested in the 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) of that Act or an agreement to adopt made under section 104, and includes a sludge main, disposal main (within the meaning of section 219 of that Act) or sewer outfall and any manholes, ventilating shafts, pumps or other accessories forming part of any such sewer, drain or works,

and includes any structure for the lodging in it of apparatus or for giving access to such apparatus;

“construction” includes execution, placing, altering, replacing, relaying and removal and, in its application to works which include or comprise any operation, means the carrying out of that operation;

“emergency works” has the same meaning as in section 52 of the 1991 Act;

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

“necessary alternative apparatus” means alternative apparatus adequate to enable a specified undertaker to fulfil its statutory or licensed functions in a manner no less efficient than previously;

“plans” includes sections, specifications and method statements;

“specified undertaker” means—

- (a) National Grid Gas Plc, whose registered office is 1-3 Strand, London WC2N 5EH;
- (b) Severn Trent Water Limited, whose registered office is 2297 Coventry Road, Birmingham B26 3PU; and

<sup>(55)</sup> 1989 c. 29.

<sup>(56)</sup> 1986 c. 44. A new section 1 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.

<sup>(57)</sup> 1991 c. 56.

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(c) National Grid Electricity Transmission Plc, whose registered office is 1-3 Strand, London WC2N 5EH,

or any person succeeding any such company as a licence holder within the meaning of Part 1 of the Electricity Act 1989, a gas transporter within the meaning of Part 1 of the Gas Act 1986, a water undertaker within the meaning of the Water Industry Act 1991 or as a sewerage undertaker within the meaning of Part 1 of that Act, and “the specified undertaker” in relation to any apparatus means the specified undertaker to whom the apparatus belongs or by whom it is maintained; and

“specified work” means any of the authorised works which—

- (a) will or may be situated over or within 15 metres measured in any direction of, or may in any way adversely affect, any apparatus; or
- (b) wherever situated, imposes any load upon any sewer, the removal of which has not been required under paragraph 8.

**Commencement Information**

**I117** Sch. 12 para. 1 in force at 9.6.2009, see [art. 1](#)

*Application of Schedule 11*

2. Paragraphs 1(1) and 2 of Schedule 11 (provisions relating to statutory undertakers, etc.) shall not apply in relation to a specified undertaker and paragraphs 1(3) and 1(4) of that Schedule shall have effect as if they referred to apparatus removed under this Schedule.

**Commencement Information**

**I118** Sch. 12 para. 2 in force at 9.6.2009, see [art. 1](#)

*Apparatus in stopped up streets*

3. Where any street is stopped up under article 11 (stopping up of streets and extinguishment of rights), any specified undertaker whose apparatus is in the street shall have the same powers and rights in respect of that apparatus as it enjoyed immediately before the stopping up and the promoter will grant to the specified undertaker legal easements reasonably satisfactory to the specified undertaker in respect of such apparatus and access to it, but nothing in this paragraph shall affect any right of the promoter or of the specified undertaker to require the removal of that apparatus under paragraph 8 or the power of the promoter to carry out works under paragraphs 20 to 29.

**Commencement Information**

**I119** Sch. 12 para. 3 in force at 9.6.2009, see [art. 1](#)

4. The promoter shall give not less than 28 days' notice in writing of its intention to stop up any street under article 11 to any specified undertaker whose apparatus is in that street.

**Commencement Information**

**I120** Sch. 12 para. 4 in force at 9.6.2009, see [art. 1](#)

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### *On-street apparatus*

5. This Schedule shall not apply to anything done or proposed to be done in relation to or affecting any apparatus in so far as the relations between the promoter and the specified undertaker are regulated by the provisions of Part 3 of the 1991 Act.

#### **Commencement Information**

**I121** Sch. 12 para. 5 in force at 9.6.2009, see [art. 1](#)

### *Acquisition of land*

6. The promoter shall not acquire any apparatus from a specified undertaker pursuant to this Order otherwise than by agreement, which shall not be unreasonably withheld.

#### **Commencement Information**

**I122** Sch. 12 para. 6 in force at 9.6.2009, see [art. 1](#)

7. The promoter may in exercise of the powers conferred by this Order acquire or appropriate any land in which any apparatus is placed and, following the removal of such apparatus in accordance with the provisions of this Schedule, any rights in that land relating to that apparatus shall be extinguished but no apparatus shall be removed nor shall any right of the specified undertaker to use, maintain or renew any apparatus be extinguished until any necessary alternative apparatus has been constructed and is in operation to the reasonable satisfaction of the specified undertaker.

#### **Commencement Information**

**I123** Sch. 12 para. 7 in force at 9.6.2009, see [art. 1](#)

### *Removal of apparatus*

8. Paragraphs 9 to 12 apply where—

- (a) the promoter requires the removal of any apparatus for the purpose of constructing any of the authorised works and gives to the specified undertaker not less than 56 days' written notice of that requirement together with a plan of the proposed work and of the proposed position of the alternative apparatus to be provided or constructed; or
- (b) in consequence of the exercise or proposed exercise of any of the powers conferred by this Order, the specified undertaker reasonably requires to remove any apparatus.

#### **Commencement Information**

**I124** Sch. 12 para. 8 in force at 9.6.2009, see [art. 1](#)

9. The promoter shall, if it is practicable to do so, afford to the specified undertaker the necessary rights and facilities for the construction of any necessary alternative apparatus in other land which is available for the purpose and which is held or used, or intended for use, by the promoter for the purpose of its undertaking under this Order or in which it has sufficient rights or interests and thereafter for the use, maintenance and renewal of such apparatus and, if the promoter is unable to

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obtain those rights and facilities, the specified undertaker shall, on receipt of a written notice to that effect from the promoter, use its best endeavours to obtain the necessary rights and facilities.

**Commencement Information**

**I125** Sch. 12 para. 9 in force at 9.6.2009, see [art. 1](#)

**10.** The obligation imposed upon the specified undertaker by paragraph 9 shall not extend to the exercise by the specified undertaker of any power to acquire any land or rights in land by a compulsory purchase order.

**Commencement Information**

**I126** Sch. 12 para. 10 in force at 9.6.2009, see [art. 1](#)

**11.** Any alternative apparatus to be constructed by the specified undertaker pursuant to paragraph 9 shall be constructed in such manner, and in such line or situation, as may be agreed between the specified undertaker and the promoter or, in default of agreement, determined by arbitration.

**Commencement Information**

**I127** Sch. 12 para. 11 in force at 9.6.2009, see [art. 1](#)

**12.** The specified undertaker shall, after the manner of construction and the line or situation of any necessary alternative apparatus have been agreed or determined and after the grant to or obtaining by the specified undertaker of any such facilities and rights as are referred to in paragraph 9, proceed with all reasonable dispatch to construct and bring into operation the alternative apparatus and thereafter to remove any apparatus required by the promoter to be removed in accordance with paragraph 8.

**Commencement Information**

**I128** Sch. 12 para. 12 in force at 9.6.2009, see [art. 1](#)

*Removal of apparatus and construction of alternative apparatus by the promoter*

**13.** Paragraphs 14 to 16 apply to so much of the work necessary in connection with the construction of alternative apparatus, or the removal of apparatus required to be removed, as will take place in any land held or used, or intended for use, by the promoter for the purpose of its undertaking.

**Commencement Information**

**I129** Sch. 12 para. 13 in force at 9.6.2009, see [art. 1](#)

**14.** If the promoter gives notice in writing to the specified undertaker that it desires to carry out any part of any work to which this paragraph applies, such work, instead of being carried out by the specified undertaker, may be carried out by the promoter with the prior written consent of the specified undertaker (which shall not be unreasonably withheld and shall be subject to any such conditions as are reasonable and proper to protect the apparatus) in accordance with plans and in a position agreed between the specified undertaker and the promoter or, in default of agreement,

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determined by arbitration, with all reasonable dispatch under the superintendence (if given) and to the reasonable satisfaction of the specified undertaker.

**Commencement Information**

**I130** Sch. 12 para. 14 in force at 9.6.2009, see [art. 1](#)

**15.** In carrying out any work under paragraph 14 the promoter shall comply with all statutory obligations which would have been applicable had the works been carried out by the specified undertaker.

**Commencement Information**

**I131** Sch. 12 para. 15 in force at 9.6.2009, see [art. 1](#)

**16.** Nothing in paragraph 14 shall authorise the promoter to carry out the actual placing, erection, installation, bedding, packing, removal, connection or disconnection of any apparatus or, where the apparatus is laid in a trench, execute any filling around the apparatus within 600 millimetres (measured in any direction) of the apparatus.

**Commencement Information**

**I132** Sch. 12 para. 16 in force at 9.6.2009, see [art. 1](#)

*Facilities and rights for alternative apparatus*

**17.** Where, in accordance with the provisions of this Schedule, the promoter affords to the specified undertaker facilities and rights for the construction, use, maintenance and renewal in land of the promoter of alternative apparatus in substitution for apparatus to be removed, those facilities and rights shall be granted upon such terms and conditions as may be agreed between the promoter and the specified undertaker or, in default of agreement, determined by arbitration.

**Commencement Information**

**I133** Sch. 12 para. 17 in force at 9.6.2009, see [art. 1](#)

**18.** In determining the terms and conditions mentioned in paragraph 17 in respect of alternative apparatus to be constructed across or along the authorised works the arbitrator shall—

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

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**Commencement Information**

**I134** Sch. 12 para. 18 in force at 9.6.2009, see [art. 1](#)

**19.** If the facilities and rights to be afforded by the promoter in respect of any alternative apparatus under paragraph 17 and the terms and conditions subject to which the same are to be granted are, in the opinion of the arbitrator, more or less favourable on the whole to the specified undertaker than the facilities, rights, terms and conditions applying to the apparatus to be removed, the arbitrator shall make such provision for the payment of compensation to or by the promoter by or to the specified undertaker in that respect as shall appear to the arbitrator to be reasonable having regard to all the circumstances of the case.

**Commencement Information**

**I135** Sch. 12 para. 19 in force at 9.6.2009, see [art. 1](#)

*Retained apparatus: protection and plan approval*

**20.** Not less than 56 days before commencing to construct or renew any specified work, the promoter shall submit to the specified undertaker plans of the works.

**Commencement Information**

**I136** Sch. 12 para. 20 in force at 9.6.2009, see [art. 1](#)

**21.** In relation to a work which is a specified work because of its proximity to or effect on a sewer, the plans to be submitted to the specified undertaker under paragraph 20 shall be detailed plans describing—

- (a) the exact position of the specified work;
- (b) the level at which it is proposed to be constructed or renewed;
- (c) the manner of its construction or renewal;
- (d) the position of all sewers within 15 metres of the specified work or upon which the specified work will impose a load; and
- (e) by way of detailed drawings, every alteration proposed to be made to any such sewer.

**Commencement Information**

**I137** Sch. 12 para. 21 in force at 9.6.2009, see [art. 1](#)

**22.** The promoter shall not commence the construction or renewal of any specified work to which paragraph 20 applies until the specified undertaker has given written approval of the plans so submitted.

**Commencement Information**

**I138** Sch. 12 para. 22 in force at 9.6.2009, see [art. 1](#)

**23.** Any approval of the specified undertaker required under paragraph 22—

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- (a) may be given subject to reasonable conditions for any purpose mentioned in paragraph 24;
- (b) shall not be unreasonably withheld; and
- (c) shall be deemed to have been given if it is neither given nor refused within 56 days of the submission of plans for approval.

**Commencement Information**

**I139** Sch. 12 para. 23 in force at 9.6.2009, see [art. 1](#)

**24.** In relation to a work to which paragraph 21 applies, the specified undertaker may require such modifications to be made to the plans as may be reasonably necessary for the purpose of securing its sewerage system against interference or risk of damage or for the purpose of providing or securing proper and convenient means of access to any sewer.

**Commencement Information**

**I140** Sch. 12 para. 24 in force at 9.6.2009, see [art. 1](#)

**25.** A specified work shall be constructed (and in the case of any temporary work removed) only in accordance with—

- (a) the approved plans (and, in the case of plans relating to sewers approved, deemed to have been approved or settled by arbitration, as amended from time to time by agreement between the promoter and the specified undertaker); and
- (b) all reasonable requirements made by the specified undertaker for the alteration, or otherwise for the protection, of the apparatus, or for securing access to it,

and the specified undertaker shall be entitled by its officer to watch and inspect the carrying out of the work.

**Commencement Information**

**I141** Sch. 12 para. 25 in force at 9.6.2009, see [art. 1](#)

**26.** If within 42 days after the submission to it of any plans under paragraph 20, in consequence of the works proposed by the promoter the specified undertaker reasonably requires the removal of any apparatus and gives written notice to the promoter of that requirement, the foregoing provisions of this Schedule shall have effect as if the removal of such apparatus had been required by the specified undertaker under paragraph 8.

**Commencement Information**

**I142** Sch. 12 para. 26 in force at 9.6.2009, see [art. 1](#)

**27.** Nothing in paragraph 20 or 26 shall preclude the promoter from submitting at any time, or from time to time, but in no case less than 28 days before commencing the construction of any specified work, a new plan in place of the plan previously submitted, in which case the provisions of those paragraphs shall apply to, and in respect of, such new plan except that the reference in paragraph 26 to 42 days shall be treated as a reference to 21 days.

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**Commencement Information**

**I143** Sch. 12 para. 27 in force at 9.6.2009, see [art. 1](#)

**28.** The promoter shall not be required to comply with paragraph 20 in a case where it is necessary to carry out emergency works but, in such a case, it shall give to the specified undertaker notice as soon as reasonably practicable, and a plan of the works as soon as reasonably practicable thereafter, and shall comply with paragraph 25 so far as reasonably practicable in the circumstances.

**Commencement Information**

**I144** Sch. 12 para. 28 in force at 9.6.2009, see [art. 1](#)

**29.** Nothing in paragraph 28 shall entitle the promoter to carry out works to any apparatus but, upon receipt of notice from the promoter, the specified undertaker shall proceed to carry out such works as may be required with all reasonable dispatch.

**Commencement Information**

**I145** Sch. 12 para. 29 in force at 9.6.2009, see [art. 1](#)

*Co-operation*

**30.** Where in consequence of the proposed construction of any of the authorised works, the promoter or a specified undertaker requires the removal of apparatus under paragraph 8 or a specified undertaker makes requirements for the protection or alteration of apparatus under paragraph 25, the promoter shall 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 each specified undertaker shall use its best endeavours to co-operate with the promoter for that purpose.

**Commencement Information**

**I146** Sch. 12 para. 30 in force at 9.6.2009, see [art. 1](#)

*Access*

**31.** If in consequence of the exercise of the powers conferred by this Order the access to any apparatus is materially obstructed the promoter shall provide such alternative means of access to such apparatus as will enable the specified undertaker to maintain or use the apparatus no less effectively than was possible before such obstruction.

**Commencement Information**

**I147** Sch. 12 para. 31 in force at 9.6.2009, see [art. 1](#)



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### Expenses

**32.** Subject to the provisions of the following paragraphs of this Schedule, the promoter shall repay to the specified undertaker the reasonable expenses incurred by the specified undertaker in, or in connection with—

- (a) the inspection, removal and relaying or replacing, alteration or protection of any apparatus or the construction of any new apparatus under any provision of this Schedule (including any costs reasonably incurred or compensation properly paid in connection with the acquisition of rights or exercise of statutory powers for such apparatus);
- (b) the cutting off of any apparatus from any other apparatus, or the making safe of any redundant apparatus in consequence of the exercise by the promoter of any power under this Order;
- (c) the survey of any land, apparatus or works; the inspection, superintendence and monitoring of works; or the installation or removal of any temporary works reasonably necessary in consequence of the exercise by the promoter of any power under this Order; and
- (d) any other work or thing rendered reasonably necessary in consequence of the exercise by the promoter of any such power,

within a reasonable time of being notified by the specified undertaker that it has incurred such expenses.

#### Commencement Information

**I148** Sch. 12 para. 32 in force at 9.6.2009, see [art. 1](#)

**33.** There shall be deducted from any sum payable under paragraph 32 the value of any apparatus removed under the provisions of this Schedule, that value being calculated after removal.

#### Commencement Information

**I149** Sch. 12 para. 33 in force at 9.6.2009, see [art. 1](#)

**34.** If in pursuance of the provisions of this Schedule—

- (a) alternative apparatus of better type, or greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions, except where this has been solely due to using the nearest currently available type; or
- (b) apparatus (whether existing apparatus or alternative 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 promoter or, in default of agreement, is not determined by arbitration to be necessary having regard, among other things, to the nature of the authorised works, then, if such placing involves cost in the construction of works under paragraphs 9 to 12 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 specified undertaker by virtue of paragraph 32 shall be reduced by the amount of that excess.

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**Commencement Information**

**I150** Sch. 12 para. 34 in force at 9.6.2009, see [art. 1](#)

**35.** For the purposes of paragraph 34—

- (a) an extension of apparatus to a length greater than the length of existing apparatus shall not be treated as a placing of apparatus of greater dimensions than those of the existing apparatus except in a case where the apparatus as so extended serves a purpose (either additional to or instead of that served by the existing apparatus) which was not served by 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 shall be treated as if it also had been agreed or had been so determined.

**Commencement Information**

**I151** Sch. 12 para. 35 in force at 9.6.2009, see [art. 1](#)

**36.** An amount which apart from this paragraph would be payable to the specified undertaker in respect of works by virtue of paragraphs 32 to 35 shall, 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 specified undertaker any financial benefit by deferment of the time for renewal of the apparatus or of the system of which it forms part in the ordinary course, be reduced by the amount which represents that benefit as calculated in accordance with the Code of Practice entitled “Measures Necessary where Apparatus is Affected by Major Works (Diversionary Works)” and dated June 1992 and approved by the Secretary of State on 30th June 1992, as revised and re-issued from time to time.

**Commencement Information**

**I152** Sch. 12 para. 36 in force at 9.6.2009, see [art. 1](#)

**37.** In any case where work is carried out by the promoter pursuant to paragraphs 14 to 16 and, if such work had been carried out by the specified undertaker, the repayment made to the specified undertaker under paragraph 32 would fall to be reduced pursuant to paragraphs 34 to 36, the specified undertaker shall pay to the promoter such sum as represents the amount of that reduction.

**Commencement Information**

**I153** Sch. 12 para. 37 in force at 9.6.2009, see [art. 1](#)

*Indemnity*

**38.** If, by reason or in consequence of the construction, maintenance or failure of any of the authorised works, including any works carried out by the promoter pursuant to paragraph 14 or protective works required by a condition imposed under paragraph 23(a) or required under paragraph 25(b), or any subsidence resulting from any of those works, any damage is caused to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works) or other property of the specified undertaker, or there is any interruption in any service provided by the specified undertaker, the promoter shall repay the cost

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reasonably incurred by the specified undertaker in making good such damage, or restoring the supply, and shall—

- (a) make reasonable compensation to the specified undertaker for any loss sustained by it; and
- (b) indemnify the specified undertaker against all claims, demands, proceedings, costs, damages and expenses which may be made or taken against or recovered from, or incurred by, the specified undertaker,

by reason or in consequence of any such damage or interruption; and the fact that any act or thing may have been done by the specified undertaker on behalf of the promoter or in accordance with plans approved by the specified undertaker or in accordance with any requirement of the specified undertaker or under its supervision shall not, subject to paragraph 39, excuse the promoter from any liability under the provisions of this paragraph.

**Commencement Information**

**I154** Sch. 12 para. 38 in force at 9.6.2009, see [art. 1](#)

**39.** Nothing in paragraph 38 shall impose any liability on the promoter with respect to any damage or interruption to the extent that such damage or interruption is attributable to the neglect or default of the specified undertaker, its officers, servants, contractors or other agents.

**Commencement Information**

**I155** Sch. 12 para. 39 in force at 9.6.2009, see [art. 1](#)

**40.** The specified undertaker shall give to the promoter reasonable notice of any claim or demand under the provisions of paragraph 38 and no settlement or compromise of it shall be made without the prior consent of the promoter which shall not be unreasonably withheld.

**Commencement Information**

**I156** Sch. 12 para. 40 in force at 9.6.2009, see [art. 1](#)

*Exercise of safeguarding and survey powers*

**41.** The promoter shall, so far as is reasonably practicable, so exercise the powers conferred by article 22 (safeguarding works to buildings) so as not to obstruct or render less convenient the access to any apparatus.

**Commencement Information**

**I157** Sch. 12 para. 41 in force at 9.6.2009, see [art. 1](#)

**42.** The promoter shall not, in the exercise of the powers conferred by section 11(3) of the 1965 Act, as applied by this Order, or by article 25 (power to survey and investigate land, etc.), make any trial holes which interfere with any apparatus without the consent of the specified undertaker (which shall not be unreasonably withheld).

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**Commencement Information**

**I158** Sch. 12 para. 42 in force at 9.6.2009, see [art. 1](#)

*Arbitration*

**43.** Any difference arising between the promoter and a specified undertaker under this Schedule (other than a difference as to its meaning or construction) shall be determined by arbitration in the manner provided by article 82 (arbitration) and in determining any difference under this Schedule the arbitrator may, if the arbitrator thinks fit, require the promoter to execute any temporary or other works so as to avoid, so far as may be reasonably possible, interference with the use of any apparatus.

**Commencement Information**

**I159** Sch. 12 para. 43 in force at 9.6.2009, see [art. 1](#)

*Transfer of functions*

**44.** The promoter shall give notice to every specified undertaker if any of the functions of the promoter under this Order are transferred to another person in accordance with article 55 (powers of disposal, agreements for operation, etc.) and any such notice shall be given within 14 days of any such transfer becoming effective and shall describe or give (as appropriate)—

- (a) the nature of the functions to be transferred;
- (b) the extent of that transfer;
- (c) the geographical area to which the transfer relates;
- (d) the name and address of the transferee; and
- (e) the effective date of the transfer.

**Commencement Information**

**I160** Sch. 12 para. 44 in force at 9.6.2009, see [art. 1](#)

**45.** The obligation to give notice under paragraph 44 to a successor in title to a specified undertaker named in paragraph 1 shall only apply to the extent that the promoter has been informed by notice in writing by that named undertaker, or by a successor in title to that named undertaker, as the case may be, of the name and address of that successor in title.

**Commencement Information**

**I161** Sch. 12 para. 45 in force at 9.6.2009, see [art. 1](#)

*Notices*

**46.** Any notice in writing to be given by the promoter to a specified undertaker under this Schedule shall be deemed effectively given if sent by recorded delivery or by registered letter addressed to the registered office of that specified undertaker.

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### Commencement Information

**I162** Sch. 12 para. 46 in force at 9.6.2009, see [art. 1](#)

#### *Accommodation or other facilities*

**47.** The following provisions of this paragraph shall have effect for the provision by the promoter in the construction of the authorised works of accommodation or other facilities for the laying of apparatus under the authorised tramway to accommodate the gas distribution network of National Grid Gas Plc and the electricity transmission network of National Grid Electricity Transmission Plc:

- (a) not less than 6 months before the promoter commences the construction of any of the authorised works in any highway it shall give notice of its intention to do so in writing to each of National Grid Gas Plc and National Grid Electricity Transmission Plc;
- (b) if, within 56 days from the service on it of notice of the intended construction of any works under sub-paragraph (a), National Grid Gas Plc or National Grid Electricity Transmission Plc gives to the promoter—
  - (i) notice in writing that it is reasonably necessary for the existing operation or planned expansion of its respective gas distribution or electricity transmission networks that such accommodation or other facilities be provided; and
  - (ii) such information as the promoter may require to enable it to determine the reasonableness of that request, the extent and description of the accommodation or other facilities to be provided and the means of access to apparatus laid in the accommodation or other facilities requested,

the promoter shall, so far as it is reasonably practicable to do so, provide in the construction of the authorised works such accommodation or other facilities for the laying of apparatus under the authorised tramway as may be agreed between it and National Grid Gas Plc or National Grid Electricity Transmission Plc, as the case may be or, in default of agreement, determined by arbitration;

- (c) subject to the provisions of this paragraph, National Grid Gas Plc and National Grid Electricity Transmission Plc shall be entitled to use the accommodation or other facilities and the means of access to them provided by the promoter for the laying and installation of the apparatus for which they were provided and for the purpose of inspecting, repairing, removing or renewing that apparatus;
- (d) except in case of emergency when it shall give such notice as it can in the circumstances, National Grid Gas Plc and National Grid Electricity Transmission Plc shall give the promoter not less than 42 days' notice of their intention to lay and install or to repair, remove or renew apparatus in any such accommodation or facilities;
- (e) in laying and installing apparatus in accommodation or other facilities provided by the promoter National Grid Gas Plc and National Grid Electricity Transmission Plc shall conform with the reasonable requirements of the promoter as to the times at which, and the manner in which, such works by National Grid Gas Plc or National Grid Electricity Transmission Plc as affect the authorised tramway shall be carried out, and the promoter shall be entitled to superintend the carrying out of such works;
- (f) National Grid Gas Plc and National Grid Electricity Transmission Plc shall maintain in good repair and to the reasonable satisfaction of the promoter any apparatus laid and installed in the accommodation or facilities provided by the promoter and shall take such

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precautions as the promoter reasonably requires to be taken for ensuring the safety of the authorised tramway and the traffic on it;

- (g) the accommodation or other facilities provided by the promoter shall be maintained by the promoter to the reasonable satisfaction of National Grid Gas Plc and National Grid Electricity Transmission Plc; and
- (h) except in case of emergency when it shall give such notice as it can, the promoter shall give to the National Grid Gas Plc and National Grid Electricity Transmission Plc not less than 42 days' notice in writing of its intention to carry out any works affecting any such accommodation or other facilities and, in carrying out the same, shall take such measures as National Grid Gas Plc and National Grid Electricity Transmission Plc may reasonably require for the protection of, or for preventing interference with, its apparatus laid or installed in the accommodation or other facilities.

#### Commencement Information

**I163** Sch. 12 para. 47 in force at 9.6.2009, see [art. 1](#)

## SCHEDULE 13 E+W

Article 73

### FOR PROTECTION OF BRITISH WATERWAYS BOARD

1. For the protection of the British Waterways Board the following provisions shall, unless otherwise agreed in writing between the promoter and the British Waterways Board, have effect.

#### Commencement Information

**I164** Sch. 13 para. 1 in force at 9.6.2009, see [art. 1](#)

#### *Interpretation*

2. In this Schedule—

“the Board” means the British Waterways Board;

“the Board’s network” means the Board’s network of waterways;

“construction”, in relation to any specified work or protective work, includes—

- (a) the execution and placing of that work; and
- (b) any relaying, alteration, renewal or maintenance of that work; and

“construct” and “constructed” have corresponding meanings;

“detriment” means any damage to a waterway or any other property of the Board and, in particular, includes—

- (a) any obstruction of, or interference with, or hindrance or danger to, navigation or to any use of a waterway;
- (b) the erosion of the bed or banks of a waterway, or the impairment of the stability of any works, lands or premises forming part of a waterway;
- (c) the siltation of a waterway or the deposit of materials in, so as to materially damage the waterway;

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- (d) the pollution of a waterway;
- (e) any material alteration in the water level of a waterway, or material interference with the supply of water to a waterway, or drainage of water from a waterway;
- (f) any material harm to the ecology of a waterway (including any material adverse impact on any site of special scientific interest comprised in the Board's network); and
- (g) any interference with the exercise by any person of rights over the Board's network;

"the engineer" means an engineer appointed by the Board for the purpose in question;

"plans" includes sections, designs, drawings, specifications, soil reports, calculations, descriptions (including descriptions of methods of construction) and programmes;

"protective work" means a work constructed under paragraph 8(3)(a);

"specified work" means so much of any of the authorised works (including any temporary closure or other operation carried out in connection with an authorised work) as is situated upon, across, under, over or within 15 metres of, or may in any way affect, a waterway;

"stoppage season" means the period between 1st November and 15th March; and

"waterway" means the canal or the River Trent and includes any work, structure, land or premises belonging to the Board, or under its management or control, and held or used by the Board in connection with the canal or the River Trent.

#### **Commencement Information**

**I165** Sch. 13 para. 2 in force at 9.6.2009, see [art. 1](#)

#### *Powers requiring the Board's consent*

**3.—(1)** The promoter shall not under the powers conferred by this Order acquire compulsorily any land of the Board relating to a waterway or any easement or other right over such land, or use any such land, unless such acquisition or use is with the consent of the Board.

(2) The promoter shall not exercise the powers conferred by article 6(7)(a) (power to deviate) so as to deviate from the design of the bridge comprised in Work No.12 shown on the sections except with the consent of the Board.

(3) The promoter shall not in the exercise of the powers conferred by this Order, including article 12 (temporary stopping up of streets), obstruct or interfere with pedestrian or vehicular access to—

- (a) a waterway; or
- (b) any way over land comprised in a waterway,

unless such obstruction or interference with such access is with the consent of the Board.

(4) Nothing in article 21 (discharge of water) shall authorise the promoter—

- (a) to discharge any water directly or indirectly into a waterway; or
- (b) to carry out any works to, or make any opening in, or otherwise interfere with, a waterway (including its banks and bed),

except with the consent of the Board and in accordance with plans approved by, and under the supervision (if given) of, the engineer.

(5) The promoter shall not exercise any power conferred by this Order in such a way as to interfere with the supply of water to or the drainage of water from a waterway unless such exercise is with the consent of the Board.

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(6) The promoter shall not exercise the powers conferred by article 22 (safeguarding works to buildings), article 25 (power to survey and investigate land, etc.), or the powers conferred by section 11(3) of the 1965 Act, in relation to a waterway unless such exercise is with the consent of the Board.

(7) The promoter shall not exercise the powers conferred by section 271 or 272 of the 1990 Act, as applied by Schedule 11 (provisions relating to statutory undertakers, etc.), so as to divert any right of access to a waterway, but such right of access may be diverted with the consent of the Board.

(8) The consent of the Board pursuant to sub-paragraphs (1) to (7) and the approval of plans under sub-paragraph (4) shall not be unreasonably withheld or delayed but may be given subject to reasonable terms and conditions which, in the case of article 21, may include conditions—

- (a) specifying the maximum volume of water which may be discharged in any period;
- (b) authorising the Board on giving reasonable notice to the promoter (except in an emergency, when the Board may require immediate suspension) to require the promoter to suspend the discharge of water or reduce the flow of water where this is necessary by reason of any operational requirement of the Board; and
- (c) in the case of a discharge, concerning the reimbursement by the promoter of expenses reasonably incurred by the Board in disposing of the water so discharged, being expenses which the Board would not have incurred but for the discharge.

#### Commencement Information

**I166** Sch. 13 para. 3 in force at 9.6.2009, see [art. 1](#)

#### *Vehicles, plant and machinery*

4.—(1) The promoter shall not use any land or property of the Board forming part of a waterway for the passage or siting of vehicles, plant or machinery employed in the construction of the specified works other than—

- (a) with the consent in writing of the engineer, whose consent shall not be unreasonably withheld; and
- (b) subject to compliance with such reasonable requirements as the engineer may from time to time specify—
  - (i) for the prevention of detriment; or
  - (ii) in order to avoid or reduce any inconvenience to the Board, its officers and agents and all other persons lawfully on such land or property,

but nothing in this paragraph shall apply in relation to anything done in accordance with any approval given by the Board under paragraph 8.

#### Commencement Information

**I167** Sch. 13 para. 4 in force at 9.6.2009, see [art. 1](#)

#### *Closure of towing paths, etc.*

5. If in consequence of or in connection with the exercise of the powers conferred by this Order any part of a towing path or any public right of way giving access to it (“the closed section”) is temporarily closed to persons on foot, on cycles or in a wheelchair and there is no way which



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provides a reasonable alternative, the promoter shall, if reasonably practicable and to the reasonable satisfaction of the Board, provide in substitution a sufficient and convenient way for such persons between the points of commencement and termination of the closed section for such time as the closure continues.

**Commencement Information**

**I168** Sch. 13 para. 5 in force at 9.6.2009, see [art. 1](#)

*Fencing*

6. Where so required by the engineer the promoter shall to the reasonable satisfaction of the engineer fence off a specified work or a protective work or take such other steps as the engineer may require to be taken for the purpose of separating a specified work or a protective work from a waterway, whether on a temporary or permanent basis or both.

**Commencement Information**

**I169** Sch. 13 para. 6 in force at 9.6.2009, see [art. 1](#)

*Survey of waterway*

7.—(1) Before the commencement of the initial construction of any part of the specified works and again following completion of the specified works the promoter shall bear the reasonable cost of the carrying out by a qualified engineer (“the surveyor”), to be approved by the Board and the promoter, of surveys (“the surveys”) of so much of any waterway and of any land and existing works of the promoter as may provide support for the waterway as will or may be affected by the specified works.

(2) For the purposes of the surveys the promoter shall—

- (a) on being given reasonable notice (except in case of emergency, when immediate access shall be afforded) afford reasonable facilities to the surveyor for access to the site of the specified works and to any land and existing works of the promoter which may provide support for the waterway as will or may be affected by the specified works; and
- (b) supply the surveyor as soon as reasonably practicable with all such information as the surveyor may reasonably require with regard to such existing works of the promoter and to the specified works or the method of their construction.

(3) The reasonable costs of any survey under this paragraph shall include the costs of any dewatering or reduction of the water level of any part of the relevant waterway (where reasonably required) which may be effected to facilitate the carrying out of the survey; and the provisions of this Schedule shall apply with all necessary modifications to any such dewatering or reduction in the water level as though the same were specified works.

(4) Copies of the surveys shall be provided to both the Board and the promoter.

**Commencement Information**

**I170** Sch. 13 para. 7 in force at 9.6.2009, see [art. 1](#)

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*Approval of plans, protective works, etc.*

8.—(1) The promoter shall before commencing construction of any specified work, including any temporary work, supply to the Board proper and sufficient plans of that work and such further particulars available to it as the Board may within 14 days of the submission of the plans reasonably require for the approval of the engineer and shall not commence such construction of a specified work until plans of that work have been approved in writing by the engineer or settled by arbitration.

(2) The approval of the engineer under sub-paragraph (1) shall not be unreasonably withheld or delayed, and if within 56 days after such plans (including any other particulars reasonably required under sub-paragraph (1)) have been supplied to the Board the engineer has not intimated disapproval of those plans and the grounds of disapproval the engineer shall be deemed to have approved the plans as submitted.

(3) When signifying approval of the plans the engineer may specify—

- (a) any protective work (whether temporary or permanent) which in the reasonable opinion of the engineer is reasonably necessary to be carried out before the commencement of a specified work to prevent detriment; and
- (b) such other requirements as may be reasonably necessary to prevent detriment, including reasonable requirements to minimise the impact of the specified work on the passage of vessels in the categories referred to in paragraph 14(2),

and such protective works shall be constructed (at the promoter's expense) by the promoter, or by the Board at the promoter's request, with all reasonable dispatch; and the promoter shall not commence the construction of a specified work until the engineer has notified the promoter that the protective works have been completed to the engineer's reasonable satisfaction.

(4) The promoter shall pay to the Board a capitalised sum representing the reasonably increased or additional cost of maintaining and, when necessary, renewing any works, including any permanent protective works provided under sub-paragraph (3), and of carrying out any additional dredging of the waterway necessitated by the exercise of any of the powers conferred by this Order; but if the cost of maintaining the waterway, or of works of renewal of the waterway, is reduced in consequence of any such works, a capitalised sum representing such reasonable saving shall be set off against any sum payable by the promoter to the Board under this paragraph.

(5) In the event that the promoter fails to complete the construction of, or part of, a specified work the Board may, if it is reasonably required in order to avoid detriment, construct any work, or part of such work (together with any adjoining work) in order to complete the construction of, or part of, the specified work or make such work and the promoter shall reimburse the Board all costs, fees, charges and expenses it has reasonably incurred in carrying out such work.

**Commencement Information**

1171 Sch. 13 para. 8 in force at 9.6.2009, see [art. 1](#)

*Design of works*

9. Without affecting its obligations under the foregoing provisions of this Schedule the promoter shall consult, collaborate with and respond constructively to any approach, suggestion, proposal or initiative made by the Board on—

- (a) the design and appearance of the specified works, including the materials to be used for their construction; and
- (b) the environmental effects of the specified works,

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and shall have regard to such reasonable views as may be expressed by the Board pursuant (in particular) to the requirements imposed on the Board by section 22 (general environmental and recreational duties) of the British Waterways Act 1995<sup>(58)</sup> and to the interest of the Board in preserving and enhancing the environment of its waterways.

**Commencement Information**

**I172** Sch. 13 para. 9 in force at 9.6.2009, see [art. 1](#)

*Programming and notice of works*

**10.** On or before 1st June in any year the promoter shall notify the Board as to whether any specified work is programmed to be carried out during the period of 12 months from 1st November in that year and shall provide the Board with as much detail concerning any such works, their nature, date and likely duration as is available to the promoter and reasonably necessary to indicate the impact of those works on the waterway.

**Commencement Information**

**I173** Sch. 13 para. 10 in force at 9.6.2009, see [art. 1](#)

- 11.** The promoter shall give to the engineer not less than 56 days' notice of its intention to—
- (a) commence the construction of any specified or protective work, or
  - (b) exercise the powers conferred by article 20 (temporary closure of, and works in, waterways), except in case of emergency, when the promoter shall give such notice as may be reasonably practicable so that, in particular, the Board may where appropriate arrange for the publication of notices bringing the work to the attention of users of the Board's network.

**Commencement Information**

**I174** Sch. 13 para. 11 in force at 9.6.2009, see [art. 1](#)

**12.** Except in case of emergency the promoter shall exercise the powers conferred by article 20 (temporary closure of, and works in, waterways) in relation to the relevant part of the canal only during the stoppage season.

**Commencement Information**

**I175** Sch. 13 para. 12 in force at 9.6.2009, see [art. 1](#)

*Lighting*

**13.** The promoter shall provide and maintain at its own expense in the vicinity of the specified or protective works such temporary lighting and such signal lights for the control of navigation as the engineer may reasonably require during the construction or failure of the specified or protective works.

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(58) 1995 c. i.

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**Commencement Information**

**I176** Sch. 13 para. 13 in force at 9.6.2009, see [art. 1](#)

*Construction of specified works*

**14.—**(1) Any specified or protective work shall, when commenced, be constructed—

- (a) with all reasonable dispatch in accordance with the plans approved or deemed to have been approved or settled as provided in paragraph 8(1) and with any requirement made under paragraph 8(3)(b);
- (b) under the supervision (if given) and to the reasonable satisfaction of the engineer;
- (c) in such manner as to cause as little detriment as is reasonably practicable, and
- (d) in such manner as to cause as little inconvenience as is reasonably practicable to the Board, its officers and agents and all other persons lawfully using the waterways, except to the extent that temporary obstruction has otherwise been agreed by the Board.

(2) Nothing in this Order shall authorise the promoter to make or maintain any permanent work in or over a waterway so as to impede or prevent (whether by reducing the width of a waterway or otherwise) the passage—

- (a) in the case of any waterway to which the provisions of sections 105(1)(b) and 105(2) of the Transport Act 1968(**59**) apply, of any vessel which is of a kind (as to its dimensions) for which the Board is required by sections 105(1)(b) and 105(2) of the Transport Act 1968 to maintain the waterway; or
- (b) in the case of any other waterway, of any vessel such as would have been capable of navigating the waterway on 17th April 2007.

(3) Following completion of the construction of any specified work the promoter shall restore the waterway to a condition no less satisfactory than its condition immediately prior to the commencement of that work.

**Commencement Information**

**I177** Sch. 13 para. 14 in force at 9.6.2009, see [art. 1](#)

**15.—**(1) Any pile, stump or other obstruction which becomes exposed in consequence of a specified work shall be removed by the promoter or, if it is not reasonably practicable to remove it, shall be cut off at such level below the bed of a waterway as the Board may direct.

(2) If the promoter fails to remove any such pile, stump or other obstruction within 28 days after receipt of written notice from the Board requiring the removal, the Board may carry out the removal and recover its costs from the promoter.

**Commencement Information**

**I178** Sch. 13 para. 15 in force at 9.6.2009, see [art. 1](#)

(59) 1968 c. 73.

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### *Prevention of pollution*

16. The promoter shall not in the course of constructing a specified work or a protective work or otherwise in connection with such a work do or permit anything which may result in the pollution of a waterway or the deposit of materials in it and shall take such steps as the engineer may reasonably require to avoid or make good any breach of its obligations under this paragraph.

#### **Commencement Information**

**I179** Sch. 13 para. 16 in force at 9.6.2009, see [art. 1](#)

### *Access to work: provision of information*

- 17.—(1) The promoter, on being given reasonable notice, shall—
- (a) at all times allow reasonable facilities to the engineer for access to a specified work during its construction; and
  - (b) supply the engineer with all such information as the engineer may reasonably require with regard to a specified work or the method of constructing it.
- (2) The Board, on being given reasonable notice, shall—
- (a) at all times afford reasonable facilities to the promoter and its agents for access to any works carried out by the Board under this Schedule during their construction; and
  - (b) supply the promoter with such information as it may reasonably require with regard to such works or the method of constructing them.

#### **Commencement Information**

**I180** Sch. 13 para. 17 in force at 9.6.2009, see [art. 1](#)

### *Costs of alterations, etc.*

18. Any additional expenses which the Board may reasonably incur in altering, reconstructing or maintaining a waterway under any powers in existence on the date when this Order was made by reason of the existence of a specified work shall, provided that 56 days' previous notice of the commencement of such alteration, reconstruction or maintenance has been given to the promoter, be repaid by the promoter to the Board.

#### **Commencement Information**

**I181** Sch. 13 para. 18 in force at 9.6.2009, see [art. 1](#)

### *Alterations to waterway*

19.—(1) If during the construction of a specified work or a protective work, or during a period of 24 months after the completion of any such work any alterations or additions, either permanent or temporary, to a waterway are reasonably necessary in consequence of the construction of the specified work or the protective work in order to avoid detriment, and the Board gives to the promoter reasonable notice of its intention to carry out such alterations or additions (which shall be specified in the notice), the promoter shall pay to the Board the reasonable cost of those alterations or additions

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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 the Board in maintaining, working and, when necessary, renewing any such alterations or additions.

(2) If the cost of maintaining, working or renewing the waterway is reduced in consequence of any such alterations or additions a capitalised sum representing such saving shall be set off against any sum payable by the promoter to the Board under this paragraph.

**Commencement Information**

**I182** Sch. 13 para. 19 in force at 9.6.2009, see [art. 1](#)

*Removal of temporary works and material*

**20.**—(1) The promoter shall upon completion of any part of any permanent specified work remove as soon as practicable any temporary works and materials for temporary works constructed or placed in, on, over or under a waterway in connection with that part of the work.

(2) All temporary works shall be removed to the reasonable satisfaction of the engineer, and in the construction, maintenance and removal of such works the promoter shall not cause avoidable detriment.

**Commencement Information**

**I183** Sch. 13 para. 20 in force at 9.6.2009, see [art. 1](#)

*Maintenance of works*

**21.** If at any time after the completion of a specified work or a protective work, not being a work vested in the Board, the Board gives notice to the promoter informing it that the state of maintenance of the work appears to be such that the work is causing or likely to cause detriment, the promoter shall, on receipt of such notice, take such steps as may be reasonably necessary to put the work in such state of maintenance as not to cause such detriment.

**Commencement Information**

**I184** Sch. 13 para. 21 in force at 9.6.2009, see [art. 1](#)

*Repayment of the Board's fees, etc.*

**22.** The promoter shall repay to the Board all fees, costs, charges and expenses reasonably and properly incurred by the Board—

- (a) in constructing any protective works under the provisions of paragraph 8(3)(a);
- (b) in respect of the approval by the engineer of plans submitted by the promoter and the supervision by the engineer of the construction or repair of a specified work and any protective works;
- (c) in respect of the employment during the construction of the specified works or any protective works of any inspectors, watchmen and other persons whom it shall be reasonably necessary to appoint for inspecting, watching and lighting any waterway and for preventing, so far as may be reasonably practicable, interference, obstruction, danger

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or accident arising from the construction or failure of the specified works or any protective works;

- (d) in bringing the specified works or any protective works to the notice of users of the Board's network, including notice of the exercise of the powers conferred by article 20 (temporary closure of, and works in, waterways); and
- (e) in carrying out any assessment or monitoring of the impact of the authorised works on any waterway.

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**Commencement Information**

**I185** Sch. 13 para. 22 in force at 9.6.2009, see [art. 1](#)

*Making good of detriment: compensation and indemnity, etc.*

**23.**—(1) If any detriment shall be caused by the construction or failure of the specified works, or the protective works if carried out by the promoter, the promoter (if so required by the Board) shall make good such detriment and shall pay to the Board all reasonable expenses to which the Board may be put, and compensation for any loss which the Board may sustain, in making good or otherwise by reason of the detriment.

(2) The promoter shall be responsible for and make good to the Board all costs, charges, damages, expenses and losses arising by reason or in consequence of the exercise of the powers conferred by this Order and not otherwise provided for in this Schedule which may be occasioned to or reasonably incurred by the Board including any arising—

- (a) by reason of the construction of a specified work or a protective work or the failure of such a work; or
- (b) by reason of any act or omission of the promoter or of any person in its employ or of its contractors or others whilst engaged upon the construction of a specified work or a protective work,

and subject to sub-paragraph (4) the promoter shall effectively indemnify and hold harmless the Board from and against all claims and demands arising out of or in connection with any of the matters referred to in paragraphs (a) and (b).

(3) The fact that any act or thing may have been done by the Board on behalf of the promoter or in accordance with plans approved by the engineer or in accordance with any requirement of the engineer or under the engineer's supervision or in accordance with any directions or awards of an arbitrator shall not (if it was done without negligence on the part of the Board or of any person in its employ or of its contractors or agents) excuse the promoter from any liability under the provisions of this paragraph.

(4) The Board shall give the promoter reasonable notice of any such claim or demand and no settlement or compromise of such a claim or demand shall be made without the prior consent of the promoter.

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**Commencement Information**

**I186** Sch. 13 para. 23 in force at 9.6.2009, see [art. 1](#)

**Status:** Point in time view as at 09/06/2009.

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*Details of capitalised sums to be provided*

**24.** Where under any provision of this Schedule the Board or the promoter (as the case may be) is entitled to a capitalised sum, it shall provide such details of the formula by which the sum is calculated as may reasonably be requested by the party required to pay the sum.

**Commencement Information**

**I187** Sch. 13 para. 24 in force at 9.6.2009, see [art. 1](#)

*Arbitration*

**25.** Any difference arising between the promoter and the Board under this Schedule (other than a difference as to the meaning or construction of this Schedule) shall be referred to and settled by arbitration in accordance with article 82 (arbitration).

**Commencement Information**

**I188** Sch. 13 para. 25 in force at 9.6.2009, see [art. 1](#)

SCHEDULE 14 **E+W**

Articles 74 and 88

FOR PROTECTION OF RAILWAY INTERESTS

**1.** The following provisions shall have effect, unless otherwise agreed in writing between the promoter and Network Rail Infrastructure Limited and, in the case of paragraph 15, any other person on whom rights or obligations are conferred by that paragraph.

**Commencement Information**

**I189** Sch. 14 para. 1 in force at 9.6.2009, see [art. 1](#)

**2.** In this Schedule—

“construction” includes execution, placing, alteration and reconstruction and “construct” and “constructed” have corresponding meanings;

“DBSR” means DB Schenker Rail (UK) Limited and includes its successors from time to time;

“EMTL” means East Midlands Trains Limited or (where the context permits) its successors as station facility owner (as defined in the Railways Act 1993<sup>(60)</sup>) in relation to Network Rail Infrastructure Limited’s existing station known as Nottingham Station;

“the engineer” means an engineer appointed by Network Rail Infrastructure Limited for the purposes of this Order;

“Freightliner” means Freightliner Group Limited and includes its successors from time to time;

“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 the powers under section 8 of the Railways Act 1993;

<sup>(60)</sup> 1993 c. 43.



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“Network Rail” means Network Rail Infrastructure Limited 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 736 of the Companies Act 1985(61)) 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;

“Network Rail Infrastructure Limited” means Network Rail Infrastructure Limited, a company limited by shares and incorporated under the Companies Act 1985, whose registered number is 02904587;

“plans” includes sections, designs, 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 Infrastructure Limited and—

- (a) any station, land, works, apparatus and equipment belonging to Network Rail Infrastructure Limited or connected with any such railway; and
- (b) any easement or other property interest held by or used for the benefit of Network Rail Infrastructure Limited for the purposes of such railway or works, apparatus or equipment; and

“specified work” means so much of any of the authorised works as is situated upon, across, under, over or within 15 metres of, or may in any way adversely affect, railway property.

**Commencement Information**

**I190** Sch. 14 para. 2 in force at 9.6.2009, see [art. 1](#)

**3.—(1)** Where under 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, DBSR, EMTL, Freightliner and Network Rail Infrastructure Limited shall—

- (a) co-operate with the promoter 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 works pursuant to this Order.

**Commencement Information**

**I191** Sch. 14 para. 3 in force at 9.6.2009, see [art. 1](#)

(61) 1985 c. 6.

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4.—(1) The promoter shall not exercise the powers conferred by article 25 (power to survey and investigate land, etc.) or the powers conferred by section 11(3) of the 1965 Act in respect of any railway property unless the exercise of such powers is with the consent of Network Rail Infrastructure Limited.

(2) The promoter shall 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 Infrastructure Limited.

(3) The promoter shall not exercise the powers conferred by section 271 or 272 of the 1990 Act, as applied by Schedule 11 (provisions relating to statutory undertakers, etc.), in relation to any right of access of Network Rail Infrastructure Limited to railway property, but such right of access may be diverted with the consent of Network Rail Infrastructure Limited.

(4) The promoter shall not under the powers conferred by this Order acquire or use or acquire new rights over any railway property except with the consent of Network Rail Infrastructure Limited.

(5) Where Network Rail Infrastructure Limited is asked to give its consent pursuant to this paragraph, such consent shall not be unreasonably withheld but may be given subject to reasonable conditions.

#### Commencement Information

**1192** Sch. 14 para. 4 in force at 9.6.2009, see [art. 1](#)

5.—(1) The promoter shall 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 shall not be commenced except in accordance with such plans as have been approved in writing by the engineer or settled by arbitration.

(2) The approval of the engineer under sub-paragraph (1) shall not be unreasonably withheld, and if by the end of the period of 56 days beginning with the date on which such plans have been supplied to Network Rail Infrastructure Limited the engineer has not intimated disapproval of those plans and the grounds of disapproval the engineer shall be deemed to have approved the plans as submitted.

(3) If by the end of the period of 56 days beginning with the date on which such plans have been supplied to Network Rail Infrastructure Limited, Network Rail Infrastructure Limited gives notice to the promoter that Network Rail Infrastructure Limited 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 Infrastructure Limited then, if the promoter desires such part of the specified work to be constructed, Network Rail Infrastructure Limited shall construct it with all reasonable dispatch on behalf of and to the reasonable satisfaction of the promoter in accordance with the plans approved or deemed to be approved or settled under this paragraph.

(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 Infrastructure Limited or the services of operators using the same (including any relocation 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 shall be constructed by Network Rail Infrastructure Limited but at the expense of the promoter, or if Network Rail Infrastructure Limited so desires such protective works shall be carried out by the promoter at its own expense with all reasonable dispatch and the promoter shall not commence the construction of the specified works until the engineer has notified the promoter that the protective works have been completed to the engineer's reasonable satisfaction.

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**Commencement Information**

**I193** Sch. 14 para. 5 in force at 9.6.2009, see [art. 1](#)

**6.—(1)** Any specified work and any protective works to be constructed by virtue of paragraph 5(4) shall, when commenced, be constructed—

- (a) with all reasonable dispatch in accordance with the plans approved or deemed to have been approved or settled under paragraph 5;
- (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 Infrastructure Limited or the traffic on it 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 promoter shall, regardless of any such approval, make good such damage and shall pay to Network Rail Infrastructure Limited all reasonable expenses to which Network Rail Infrastructure Limited 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 Schedule shall impose any liability on the promoter with respect to any damage, costs, expenses or loss attributable to the negligence of Network Rail Infrastructure Limited or its servants, contractors or agents or any liability on Network Rail Infrastructure Limited with respect to any damage, costs, expenses or loss attributable to the negligence of the promoter or its servants, contractors or agents.

**Commencement Information**

**I194** Sch. 14 para. 6 in force at 9.6.2009, see [art. 1](#)

**7.** The promoter shall—

- (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 the engineer may reasonably require with regard to a specified work or the method of constructing it.

**Commencement Information**

**I195** Sch. 14 para. 7 in force at 9.6.2009, see [art. 1](#)

**8.** Network Rail Infrastructure Limited shall at all times afford reasonable facilities to the promoter and its agents for access to any works carried out by Network Rail Infrastructure Limited under this Schedule during their construction and shall supply the promoter with such information as it may reasonably require with regard to such works or the method of constructing them.

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#### Commencement Information

**I196** Sch. 14 para. 8 in force at 9.6.2009, see [art. 1](#)

**9.—(1)** If any permanent or temporary alterations or additions to railway property, or any protective works under paragraph 5(4), are reasonably necessary during the construction of a specified work, or during a period of 12 months after the commencement of regular revenue-earning operations on the authorised tramway comprised in any specified work, in consequence of the construction of a specified work, such alterations and additions may be carried out by Network Rail Infrastructure Limited and if Network Rail Infrastructure Limited gives to the promoter reasonable notice of its intention to carry out such alterations or additions, the promoter shall pay to Network Rail Infrastructure Limited 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 Infrastructure Limited in maintaining, working and, when necessary, renewing any such alterations or additions.

(2) If during the construction of a specified work by the promoter, Network Rail Infrastructure Limited gives notice to the promoter that Network Rail Infrastructure Limited desires itself to construct that part of the specified 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 Infrastructure Limited then, if the promoter desires that part of the specified work to be constructed, Network Rail Infrastructure Limited shall assume construction of that part of the specified work and the promoter shall, regardless of any such approval of a specified work under paragraph 5(1), pay to Network Rail Infrastructure Limited all reasonable expenses to which Network Rail Infrastructure Limited may be put and compensation for any loss which it may suffer by reason of the execution by Network Rail Infrastructure Limited of that specified work.

(3) 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 shall be set off against any sum payable by the promoter to Network Rail Infrastructure Limited under this paragraph.

#### Commencement Information

**I197** Sch. 14 para. 9 in force at 9.6.2009, see [art. 1](#)

**10.** The promoter shall repay to Network Rail Infrastructure Limited all reasonable fees, costs, charges and expenses reasonably incurred by Network Rail Infrastructure Limited—

- (a) in constructing any part of a specified work on behalf of the promoter as provided by paragraph 5(3) or in constructing any protective works under the provisions of paragraph 5(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 promoter and the supervision by the engineer of the construction of a specified work;
- (c) in respect of the employment or procurement of the services of any inspectors, signalmen, watchmen 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;
- (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

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construction or failure of a specified 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, being lighting made reasonably necessary by reason or in consequence of the construction or failure of a specified work.

#### Commencement Information

**1198** Sch. 14 para. 10 in force at 9.6.2009, see [art. 1](#)

#### 11.—(1) In this paragraph—

“EMI” means, subject to sub-paragraph (2), electromagnetic interference with Network Rail’s apparatus generated by the operation of the authorised works (including the operation of tramcars using the tramway comprised in the works) 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 works) which are owned or used by Network Rail Infrastructure Limited 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 shall apply 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 5(1) for the relevant part of the authorised works giving rise to EMI (unless the promoter 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 promoter shall in the design and construction of the authorised works take all measures necessary to prevent EMI and shall establish with Network Rail Infrastructure Limited (both parties acting reasonably) appropriate arrangements to verify their effectiveness.

(4) In order to facilitate the promoter’s compliance with sub-paragraph (3)—

- (a) the promoter shall consult with Network Rail Infrastructure Limited as early as reasonably practicable to identify all Network Rail’s apparatus which may be at risk of EMI, and thereafter shall continue to consult with Network Rail Infrastructure Limited (both before and after formal submission of plans under paragraph 5(1)) in order to identify all potential causes of EMI and the measures required to eliminate them;
- (b) Network Rail Infrastructure Limited shall make available to the promoter all information in the possession of Network Rail Infrastructure Limited reasonably requested by the promoter in respect of Network Rail’s apparatus identified pursuant to sub-paragraph (a); and
- (c) Network Rail Infrastructure Limited shall allow the promoter 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 Infrastructure Limited shall not withhold its consent unreasonably to modifications of Network Rail’s apparatus, but the means of prevention and the method of their execution shall be selected in the reasonable discretion of Network Rail Infrastructure Limited, and in relation to such modifications paragraph 5(1) shall have effect subject to this sub-paragraph.

(6) If at any time prior to the commencement of regular revenue-earning operations on the authorised tramway comprised in the authorised works and regardless of any measures adopted

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pursuant to sub-paragraph (3), the testing or commissioning of the authorised works causes EMI then the promoter shall immediately upon receipt of notification by Network Rail Infrastructure Limited 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 promoter'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 promoter shall afford reasonable facilities to Network Rail Infrastructure Limited for access to the promoter's apparatus in the investigation of such EMI;
- (b) Network Rail Infrastructure Limited shall afford reasonable facilities to the promoter for access to Network Rail's apparatus in the investigation of such EMI; and
- (c) Network Rail Infrastructure Limited shall make available to the promoter any additional material information in its possession reasonably requested by the promoter in respect of Network Rail's apparatus or such EMI.

(8) Where Network Rail Infrastructure Limited approves modifications to Network Rail's apparatus pursuant to sub-paragraph (5) or (6)—

- (a) Network Rail Infrastructure Limited shall allow the promoter 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 shall be carried out and completed by the promoter in accordance with paragraph 6.

(9) To the extent that it would not otherwise do so, the indemnity in paragraph 15(1) shall apply to the costs and expenses reasonably incurred or losses suffered by Network Rail Infrastructure Limited 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 10(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 82 (arbitration) to the Institution of Civil Engineers shall be read as a reference to the Institution of Electrical Engineers.

#### Commencement Information

**I199** Sch. 14 para. 11 in force at 9.6.2009, see [art. 1](#)

**12.** If at any time after the completion of a specified work, not being a work vested in Network Rail Infrastructure Limited, Network Rail Infrastructure Limited gives notice to the promoter informing it that the state of maintenance of any part of the specified work appears to be such as adversely affects the operation of railway property, the promoter shall, on receipt of such notice, take such steps as may be reasonably necessary to put that specified work in such state of maintenance as not adversely to affect railway property.

#### Commencement Information

**I200** Sch. 14 para. 12 in force at 9.6.2009, see [art. 1](#)

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13. The promoter shall 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 Infrastructure Limited unless it shall have first consulted Network Rail Infrastructure Limited and it shall comply with Network Rail Infrastructure Limited'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.

**Commencement Information**

**I201** Sch. 14 para. 13 in force at 9.6.2009, see [art. 1](#)

14. Any additional expenses which Network Rail Infrastructure Limited 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 shall, provided that 56 days' previous notice of the commencement of such alteration, reconstruction or maintenance has been given to the promoter, be repaid by the promoter to Network Rail Infrastructure Limited.

**Commencement Information**

**I202** Sch. 14 para. 14 in force at 9.6.2009, see [art. 1](#)

15.—(1) The promoter shall pay to Network Rail Infrastructure Limited all reasonable costs, charges, damages and expenses not otherwise provided for in this Schedule which may be occasioned to or reasonably incurred by Network Rail—

- (a) by reason of the construction or maintenance of a specified work or the failure of such a work; or
- (b) by reason of any act or omission of the promoter or of any person in its employ or of its contractors or others whilst engaged upon a specified work,

and the promoter shall indemnify Network Rail from and against all claims and demands arising out of or in connection with a specified work or any such failure, act or omission; and the fact that any act or thing may have been done by Network Rail Infrastructure Limited on behalf of the promoter or in accordance with plans approved by the engineer or in accordance with any requirement of the engineer or under the supervision of the engineer shall not (if it was done without negligence on the part of Network Rail Infrastructure Limited or of any person in its employ or of its contractors or agents) excuse the promoter from any liability under the provisions of this sub-paragraph.

(2) Network Rail Infrastructure Limited shall give the promoter reasonable notice of any such claim or demand and no settlement or compromise of such a claim or demand shall be made without the prior consent of the promoter.

(3) The sums payable by the promoter under sub-paragraph (1) shall include a sum equivalent to the relevant costs.

(4) Subject to the terms of any agreement between Network Rail Infrastructure Limited and a train operator regarding the timing or method of payment of the relevant costs in respect of that train operator, Network Rail Infrastructure Limited shall promptly pay to each train operator the amount of any sums which Network Rail Infrastructure Limited 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 Infrastructure Limited the relevant costs shall, in the event of default, be 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—

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“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 restriction of the use of Network Rail Infrastructure Limited’s railway network as a result of the construction, maintenance or failure of a specified 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<sup>(62)</sup>.

**Commencement Information**

**I203** Sch. 14 para. 15 in force at 9.6.2009, see [art. 1](#)

**16.** Network Rail Infrastructure Limited shall, on receipt of a request from the promoter, from time to time provide the promoter free of charge with written estimates of the costs, charges, expenses and other liabilities for which the promoter is or will become liable under this Schedule (including the amount of the relevant costs mentioned in paragraph 15) and with such information as may reasonably enable the promoter to assess the reasonableness of any such estimate or claim made or to be made pursuant to this Schedule (including any claim relating to those relevant costs).

**Commencement Information**

**I204** Sch. 14 para. 16 in force at 9.6.2009, see [art. 1](#)

**17.** In the assessment of any sums payable to Network Rail under this Schedule there shall 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 promoter under this Schedule or increasing the sums so payable.

**Commencement Information**

**I205** Sch. 14 para. 17 in force at 9.6.2009, see [art. 1](#)

**18.** The promoter and Network Rail Infrastructure Limited may, subject in the case of Network Rail Infrastructure Limited to compliance with the terms of its network licence, enter into, and carry into effect, agreements for the transfer to the promoter 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 Infrastructure Limited relating to any railway property or any lands, works or other property referred to in this paragraph.

**Commencement Information**

**I206** Sch. 14 para. 18 in force at 9.6.2009, see [art. 1](#)

<sup>(62)</sup> 1993 c. 43.



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19. Nothing in this Order, or in any enactment incorporated with or applied by this Order, shall affect the operation of Part 1 of the Railways Act 1993.

**Commencement Information**

I207 Sch. 14 para. 19 in force at 9.6.2009, see [art. 1](#)

20. The promoter shall give written notice to Network Rail if any application is proposed to be made by the promoter for the Secretary of State's consent under article 55 (powers of disposal, agreements for operation, etc.) and any such notice shall be given no later than 28 days before any such application is made and shall 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 will relate; and
- (c) the name and address of the person acting for the Secretary of State to whom the application is to be made.

**Commencement Information**

I208 Sch. 14 para. 20 in force at 9.6.2009, see [art. 1](#)

21. The promoter shall, no later than 28 days from the date that the plans submitted to the Secretary of State are certified in accordance with article 79 (certification of plans, etc.), provide a set of those plans to Network Rail Infrastructure Limited in the form of a computer disc with read only memory.

**Commencement Information**

I209 Sch. 14 para. 21 in force at 9.6.2009, see [art. 1](#)

SCHEDULE 15 **E+W**

Article 83

REPEALS OF THE 1994 ACT

PART 1 **E+W**

ENACTMENTS WITHIN THE 1994 ACT  
REPEALED WITH IMMEDIATE EFFECT

**Commencement Information**

I210 Sch. 15 Pt. 1 in force at 9.6.2009, see [art. 1](#)

*Enactments Repealed*

Section 5(1), except in so far as it relates to compensation

Section 5(2) and (3)

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*Enactments Repealed*

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Section 6(2)  
Section 9  
Section 11  
Section 14  
Section 17(4)  
Sections 19 to 21  
Section 27(1)  
Section 34(1) to (6)(a)  
Section 35  
Section 37  
Section 38  
Section 40  
Section 41(2) and (3)  
Section 42(2)  
Section 43(2)  
Section 46  
Section 47  
Section 70  
Section 74  
Section 76(2) and (3)  
Section 78  
Section 80  
Schedule 2  
Schedule 4  
Schedule 6

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PART 2 **E+W**

ENACTMENTS WITHIN THE 1994 ACT REPEALED  
WHEN LINE ONE IS FIRST OPERATED PURSUANT  
TO AN AGREEMENT MADE UNDER ARTICLE 55

*Enactments Repealed*

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*Enactments Repealed*

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Section 3

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*Enactments Repealed*

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Section 4  
Section 6(1)  
Section 7  
Section 8  
Section 10  
Section 12  
Section 13  
Section 15  
Section 16  
Section 17(1) to (3)  
Section 18  
Section 22(a) to (d)  
Sections 23 to 25  
Section 39  
Section 41(1) and (4) to (19)  
Section 42(1), (3) to (16) and (18)  
Section 43(3) to (5), (7) and (11)  
Section 44(2) to (9), (14) and (16) to (18)  
Section 45(2) to (17) and (19) to (21)  
Part 5  
Sections 57 to 69  
Sections 71 to 73  
Section 79  
Section 81  
Schedule 1  
Schedule 3

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PART 3 **E+W**

ENACTMENTS WITHIN THE 1994 ACT REPEALED WHEN  
ALL LAND OCCUPIED PURSUANT TO POWERS OF

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## COMPULSORY ACQUISITION GRANTED BY THE 1994 ACT HAS BEEN COMPULSORILY ACQUIRED BY THE PROMOTER

### Commencement Information

**I211** Sch. 15 Pt. 3 in force at 9.6.2009, see [art. 1](#)

### Enactments Repealed

Section 26  
Section 27(2)  
Section 28(1) to (4)(a)  
Section 29(1) to (8)  
Section 32  
Section 36  
Schedule 5, paragraphs 2 to 4

## SCHEDULE 16 **E+W**

Article 84

### APPLICATION TO LINE ONE

**1.** On the coming into force of this Order, article 55 (powers of disposal, agreements for operation, etc.) shall apply to Line One to the same extent as it applies to the authorised works and the authorised tramway, subject to the provisions of this Schedule, but with the addition of the words “or under section 71 of the 1994 Act” at the end of paragraph (1)(c) of that article.

### Commencement Information

**I212** Sch. 16 para. 1 in force at 9.6.2009, see [art. 1](#)

### 2

- (a) From the beginning of the day on which, pursuant to article 83(2) (repeals of the 1994 Act), the enactments within the 1994 Act specified in Part 2 of Schedule 15 are repealed, the provisions of this Order mentioned in paragraph 3 shall apply to Line One except to the specified works, to the same extent as they apply to the authorised tramway and the authorised works, subject to the provisions of this Schedule.
- (b) From the beginning of the day on which, pursuant to article 83(3) (repeals of the 1994 Act), the enactments within the 1994 Act specified in Part 2 of Schedule 15 and applying to the specified works are repealed, the provisions of this Order mentioned in paragraph 3 shall apply to those works to the same extent as they apply to the authorised tramway and the authorised works, subject to the provisions of this Schedule.
- (c) In sub-paragraphs (a) and (b) “the specified works” means the following works authorised by the 1994 Act—
  - (i) Work Nos. 3A and 3B;

- (ii) Work No.6;
- (iii) Work No.6B; and
- (iv) Work No.7,

together with all necessary works and conveniences connected with those works.

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**Commencement Information**

**I213** Sch. 16 para. 2 in force at 9.6.2009, see [art. 1](#)

3. The provisions of this Order referred to in paragraph 2 are—
- (a) articles 3 and 4;
  - (b) articles 5(1) to (9), 6(1) to (6) and (7)(b), and 7(2);
  - (c) articles 8(2) and (3), 9, 10 and 13;
  - (d) paragraphs (2) to (5) of article 14, so far as they relate to any street altered by the promoter under article 8(2) as applied by sub-paragraph (c);
  - (e) articles 16 and 17;
  - (f) subject to paragraphs 5 to 7, article 19;
  - (g) article 21;
  - (h) article 23;
  - (i) article 25, so far as it applies to streets;
  - (j) article 26;
  - (k) Part 4, except articles 50 and 55;
  - (l) subject to paragraph 8, Part 5;
  - (m) article 70;
  - (n) article 71, so far as it relates to alteration, reconstruction or operation;
  - (o) articles 77, 78, 80 to 82 and (subject to paragraph 9) 88;
  - (p) subject to paragraph 10, Schedule 12, except for sub-paragraphs 47(a) and (b), so far as it relates to altering, replacing, relaying and removal;
  - (q) Schedule 13; and
  - (r) Schedule 14, so far as it relates to the alteration, reconstruction, operation or, in respect of paragraphs 12, 14 and 15(1)(a), maintenance of a specified work.

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**Commencement Information**

**I214** Sch. 16 para. 3 in force at 9.6.2009, see [art. 1](#)

4. In the application to Line One of any of the provisions of this Order mentioned in paragraphs 1 to 3, so far as the context permits—
- (a) references to the authorised street tramway, the authorised tramroad and the authorised tramway shall be treated, respectively, as references to—
    - (i) that part of the railway authorised by the 1994 Act which is designated by that Act as a tramway;
    - (ii) that part of the railway authorised by the 1994 Act which is not designated by that Act as a tramway; and

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- (iii) the railway, or any part of the railway, authorised by the 1994 Act, whether or not designated by that Act as a tramway;
- (b) references to the scheduled works and to the authorised works shall be treated, respectively, as references to the works specified in Part 1 of Schedule 1 to the 1994 Act and references to all of the works authorised by the 1994 Act;
- (c) references to the Order limits shall be treated as references to the limits of deviation shown on the deposited plans referred to in the 1994 Act; and
- (d) references to the works and land plans, the sections and the book of reference shall be treated, respectively, as references to the deposited plans, the deposited sections and the deposited book of reference referred to in the 1994 Act, as the same may have been corrected under section 35 of that Act.

#### Commencement Information

**I215** Sch. 16 para. 4 in force at 9.6.2009, see [art. 1](#)

**5.** The reference in article 19 (attachment of equipment to buildings) to any land specified in Schedule 6 (land not to be acquired compulsorily) or Schedule 8 (acquisition of new rights only) shall be omitted and the following additional provisions shall apply to the promoter's exercise of the powers conferred by article 19 in respect of any building for the time being constructed on any land within the limits of deviation shown on the deposited plans referred to in the 1994 Act, as applied by paragraph 2—

- (a) the promoter shall not affix any apparatus to a building without the written consent of the relevant owner of the building; and such consent may be given subject to reasonable conditions (including, where appropriate, the payment of rent) but shall not be unreasonably withheld;
- (b) where—
  - (i) the promoter serves on the relevant owner of a building a notice requesting the owner's consent to the affixing of specified apparatus to the building; and
  - (ii) the relevant owner does not within the period of 56 days beginning with the date upon which the notice is served give consent unconditionally or give it subject to conditions or refuse it,

the consent shall be deemed to have been withheld;

- (c) where, in the opinion of the promoter, a consent required under this paragraph for the affixing of specified apparatus is unreasonably withheld or given subject to unreasonable conditions, it may apply to the magistrates' court, who may either allow the apparatus to be affixed subject to such conditions, if any, as it thinks fit or may disallow the application;
- (d) where apparatus is affixed to a building under this paragraph—
  - (i) any owner for the time being of the building may serve on the promoter not less than 56 days' notice requiring the promoter at its own expense temporarily to remove the apparatus during any reconstruction, demolition or repair of the building if such removal is reasonably necessary for that purpose; and
  - (ii) the promoter shall have the right as against any person having an interest in the building to use and maintain the apparatus;
- (e) where, in the opinion of the promoter, a requirement temporarily to remove any apparatus affixed to a building under this paragraph during any demolition or maintenance of the building is not reasonably necessary for that purpose, the promoter may refer the matter

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to an arbitrator under article 82 (arbitration), who may either allow the apparatus to be temporarily removed or may order that it shall not be temporarily removed; and

- (f) the promoter shall pay compensation to the owners and occupiers of the building for any loss or damage sustained by them by reason of the exercise of the powers conferred by article 19 and sub-paragraph (d)(ii); and any dispute as to a person's entitlement to compensation, or as to the amount of the compensation, shall be determined under Part 1 of the 1961 Act.

**Commencement Information**

**I216** Sch. 16 para. 5 in force at 9.6.2009, see [art. 1](#)

6. In paragraph 5 “the relevant owner” means—
- (a) in relation to a building occupied under a lease or tenancy having an unexpired term exceeding 5 years, that occupier of the building; or
- (b) in relation to any other building, the person for the time being receiving the rack rent of the building whether on that person's own account or as agent or trustee for any other person, or who would so receive it if the building were let at a rack rent.

**Commencement Information**

**I217** Sch. 16 para. 6 in force at 9.6.2009, see [art. 1](#)

7. Sub-paragraphs (d), (e) and (f) of paragraph 5 shall apply to any apparatus affixed to a building in exercise of the powers conferred by the 1994 Act to the same extent as they apply to any apparatus affixed to a building in exercise of the powers conferred by article 19 (attachment of equipment to buildings) as applied to Line One by paragraph 2.

**Commencement Information**

**I218** Sch. 16 para. 7 in force at 9.6.2009, see [art. 1](#)

8. In respect of the application of Part 5 of this Order to Line One, the Secretary of State shall be deemed to have specified for the purpose of article 60(1) (operation of Part 5) the day on which Line One first begins to be operated pursuant to an agreement made under article 55 (powers of disposal, agreements for operation, etc.) as the day on and after which the provisions of Part 5 shall have effect in relation to Line One.

**Commencement Information**

**I219** Sch. 16 para. 8 in force at 9.6.2009, see [art. 1](#)

9. In respect of the application of article 88 (existing local railway legislation) to Line One in accordance with the provisions of paragraph 4(c), the local enactments by which any existing railway within or adjacent to the limits of deviation shown on the deposited plans referred to in the 1994 Act was authorised and which shall have effect subject to the provisions of this Order shall include the—

- (a) Midland Railways, Nottingham and Mansfield, Act 1846(63);

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- (b) the Midland Railway, Ripley Branches, Act 1848<sup>(64)</sup>; and
- (c) the London Midland and Scottish Railway Act 1947<sup>(65)</sup>.

#### Commencement Information

**I220** Sch. 16 para. 9 in force at 9.6.2009, see [art. 1](#)

**10.** In their application to Line One, in sub-paragraphs 47(c) to (h) of Schedule 12 (for protection of electricity, gas, water and sewerage undertakers), references to—

- (a) “accommodation or other facilities” shall be taken to refer to accommodation or other facilities for the laying of apparatus that were provided by the promoter pursuant to section 45(16)(a) and (b) of the 1994 Act to a licence holder within the meaning of Part 1 of the Electricity Act 1989<sup>(66)</sup>, a gas transporter within the meaning of the Gas Act 1986<sup>(67)</sup> or a water undertaker; and
- (b) “National Grid Gas Plc” and “National Grid Electricity Transmission Plc” shall be taken to refer to such a licence holder, gas transporter or water undertaker.

#### Commencement Information

**I221** Sch. 16 para. 10 in force at 9.6.2009, see [art. 1](#)

## SCHEDULE 17 E+W

Article 85

### AGREEMENTS AND UNDERTAKINGS CONNECTED WITH THE 1994 ACT OR THE CONSTRUCTION OR MAINTENANCE OF LINE ONE

#### *Interpretation*

**1.** In this Schedule “the Line One agreements” means the following undertakings given or agreements entered into by the promoter in connection with the Bill for the 1994 Act or the construction, operation or maintenance of Line One—

- (a) the General Works Agreement with Railtrack PLC, dated 11th May 2000;
- (b) the Operating Framework Agreement with Railtrack PLC, Arrow Light Rail Limited, and Transdev Tram U.K. Limited, dated 11th May 2000;
- (c) the Railtrack Enabling Works (Phase 1) Agreement with Arrow Light Rail Limited, dated 29th March 1999;
- (d) the Maintenance Agreement with Railtrack PLC, dated 11th May 2000;
- (e) the Rail Regulator Agreement with Railtrack PLC, Arrow Light Rail Limited, Transdev Tram U.K. Limited, Nottingham City Transport Limited, DaimlerChrysler Rail Systems (UK) Limited, Carillion Construction Limited, dated 11th May 2000;
- (f) the Deed of Release with Railtrack PLC, dated 11th May 2000;

<sup>(64)</sup> 11 & 12 Vict. c. lxxxviii.

<sup>(65)</sup> 10 & 11 Geo. 6 c. xxxv.

<sup>(66)</sup> 1989 c. 29.

<sup>(67)</sup> 1986 c. 44.



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- (g) the Services Agreement with Railtrack PLC, Arrow Light Rail Limited, DaimlerChrysler Rail Systems (UK) Limited, and Carillion Construction Limited, dated 11th May 2000;
- (h) the Property Agreement with Railtrack PLC, dated 11th May 2000;
- (i) the Facility Ownership Agreement with Network Rail Infrastructure Limited dated 9th August 2005;
- (j) the agreement with Debenhams PLC, dated 8th February 1994;
- (k) the agreement with Severn Trent Water Limited, dated 23rd March 1994;
- (l) the agreement with Pedals, dated 2nd December 1993;
- (m) the agreement with the British Coal Corporation, dated 25th August 1993; and
- (n) the memorandum of agreement with British Gas PLC, Severn Trent Water Limited, East Midlands Electricity PLC, and British Telecommunications PLC, dated 25th August 1993,

and “Line One agreement” means any of the Line One agreements.

**Commencement Information**

**I222** Sch. 17 para. 1 in force at 9.6.2009, see [art. 1](#)

*Application to this Order*

**2.** Subject to the provisions of this Schedule, the Line One agreements shall, so far as relevant and the circumstances permit, continue to apply to the operation and maintenance of Line One under this Order as they apply to the operation and maintenance of Line One under the 1994 Act, regardless of the repeal of any provision of the 1994 Act by this Order.

**Commencement Information**

**I223** Sch. 17 para. 2 in force at 9.6.2009, see [art. 1](#)

*References to provisions of the 1994 Act that are repealed and re-enacted by this Order*

**3.** For the purposes of the application of section 17(2)(a) of the Interpretation Act 1978(**68**) to the Line One agreements, any reference in a Line One agreement to a provision of the 1994 Act that has been repealed and re-enacted by a provision of this Order, shall be construed as a reference to the re-enacted provision only to the extent that it applies to the operation or maintenance of Line One.

**Commencement Information**

**I224** Sch. 17 para. 3 in force at 9.6.2009, see [art. 1](#)

*Effect of repeals on Line One agreements*

**4.** Regardless of any provision in a Line One agreement to the contrary, the repeal of any provision of the 1994 Act by this Order shall not allow any party to a Line One agreement to terminate that agreement or determine any of the rights exercisable under it when that party would not otherwise have been able to terminate it or determine them.

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(68) 1978 c. 30.

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#### Commencement Information

**I225** Sch. 17 para. 4 in force at 9.6.2009, see [art. 1](#)

**5.** No reference in a Line One agreement to a person exercising any powers, having the benefit of any rights or being subject to any obligation in respect of Line One by virtue of an agreement entered into under section 71 of the 1994 Act shall be deemed to be a reference to a person exercising any functions in respect of the authorised works by virtue of an agreement entered into under article 55 (powers of disposal, agreements for operations, etc.) solely by virtue of the repeal of that section.

#### Commencement Information

**I226** Sch. 17 para. 5 in force at 9.6.2009, see [art. 1](#)

**6.** The references in the following Line One agreements to specified provisions of the 1994 Act shall be construed as if those provisions were still in force for the purposes of each such agreement

- (a) in the General Works Agreement with Railtrack PLC, dated 11th May 2000, the references to—
  - section 25;
  - section 41(2)(b);
  - section 41(7);
  - section 41(8);
  - section 41(14); and
  - section 41(16);
- (b) in the Operating Framework Agreement with Railtrack PLC, Arrow Light Rail Limited, and Transdev Tram U.K. Limited, dated 11th May 2000, the reference to section 25;
- (c) in the Maintenance Agreement with Railtrack PLC, dated 11th May 2000, the references to—
  - section 41(13);
  - section 41(14)(b); and
  - section 41(15); and
- (d) in the Services Agreement with Railtrack PLC, Arrow Light Rail Limited, DaimlerChrysler Rail Systems (UK) Limited, and Carillion Construction Limited, dated 11th May 2000, the references to—
  - section 41(14)(b); and
  - section 41(15).

#### Commencement Information

**I227** Sch. 17 para. 6 in force at 9.6.2009, see [art. 1](#)

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order authorises Nottingham City Council and The Nottinghamshire County Council (referred to in this Order as the promoter) to construct and operate two extensions to the existing tram system (known as NET Line One) running between Nottingham City Centre and Hucknall, one running from the City Centre to Clifton via Wilford and the other running from the City Centre to Chilwell via the Queen's Medical Centre and Beeston and, for that purpose, compulsorily or by agreement, to acquire land and rights in land and to use land. It contains a number of protective provisions for the benefit of affected undertakings.

This Order also makes provision in connection with the operation and maintenance of NET Line One and accordingly provides for the repeal of provisions in the Greater Nottingham Light Rapid Transit Act 1994 by which the construction, operation and maintenance of NET Line One was authorised.

A copy of the works and land plans, the open space and exchange land plans, the book of reference and the traffic regulation and rights of way plans mentioned in this Order and certified in accordance with article 79 (certification of plans, etc.) of this Order, may be inspected free of charge during working hours at the offices of Nottingham City Council at Exchange Buildings North, 2nd Floor, Smithy Row, Nottingham NG1 2BS and at the offices of The Nottinghamshire County Council at County Hall, West Bridgford, Nottingham NG2; 7QP.

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