

SCHEDULES

SCHEDULE 1

Articles 2 and 3

THE AUTHORISED DEVELOPMENT

In the administrative areas of Luton Borough Council and Central Bedfordshire Council—

A nationally significant infrastructure project as defined in sections 14 and 22 of the 2008 Act, and associated development within the meaning of section 115(2) of the 2008 Act, comprising:

Work No.1 — Construction of permanent highway (centred on grid reference TL 09169 18987) (1,332 metres in length) commencing at the M1 Junction 10 Roundabout, running in a north-easterly direction and terminating on the A1081 Airport Way at the Capability Green Overbridge, including—

- (a) widening the existing carriageway on the M1 Spur and A1081 Airport Way to a three lane dual carriageway including maintenance lay bys;
- (b) construction of new dual carriageway to provide a continuous link and remove the existing M1 Junction 10a at-grade roundabout (known as Kidney Wood Roundabout);
- (c) construction of an un-segregated footway and cycleway between the proposed Kidney Wood Northern Roundabout and the Capability Green Junction, located in the eastbound verge;
- (d) alterations to the infiltration pond to the west of the M1 Spur and north-east of Newlands Road, including the construction of a new private vehicular access from a point on the north-eastern highway boundary of Newlands Road approximately 435 metres to the north-west of its junction with A1081 London Road (south);
- (e) provision of private pedestrian access to maintain highways equipment at:
 - (i) a point on the south-western highway boundary of Newlands Road approximately 30 metres to the north-west of the underbridge crossing of the M1 Spur;
 - (ii) a point on the south-western highway boundary of Newlands Road approximately 25 metres to the south-east of the underbridge crossing of the M1 Spur;
 - (iii) a point on the north-eastern highway boundary of Newlands Road approximately 20 metres to the north-west of the underbridge crossing of the M1 Spur; and
 - (iv) a point on the north-eastern highway boundary of Newlands Road approximately 30 metres to the south-east of the underbridge crossing of the M1 Spur;
- (f) provision of average speed cameras;
- (g) erection of overhead gantry signs;
- (h) diversion and protection works to existing public utility apparatus, as required to accommodate the proposed works; and
- (i) drainage works, earthworks, pavement works, kerbing and paved area works, signing and road marking works, street lighting works, safety barrier works, fencing works, landscaping works and other works associated with the construction of the permanent highway;

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Work No.2 — Construction of permanent highway (1,115 metres in length) commencing at Newlands Roads junction with the A1081 London Road, running in a north-westerly direction to the proposed Kidney Wood Southern Roundabout, then running in a north-north-westerly direction through a proposed underbridge under the M1 Spur (85 metres in length), then proceeding in a north-westerly direction prior to going through a right hand curve to the proposed Kidney Wood Northern Roundabout, then proceeding in a northerly direction terminating on London Road approximately 113 metres south of the centre of Ludlow Avenue’s junction with London Road, including—

- (a) construction of new single carriageway highway;
- (b) improvements to the existing highways;
- (c) construction of two new roundabout junctions;
- (d) construction of footways and cycleways;
- (e) construction of an underbridge and associated wing walls and retaining walls;
- (f) diversion and protection works to existing public utility apparatus, as required to accommodate the proposed works; and
- (g) drainage works, earthworks, pavement works, kerbing and paved area works, signing and road marking works, street lighting works, safety barrier works, fencing works, landscaping works and other works associated with the construction of the permanent highway;

Work No.3A — Construction of permanent highway (349 metres in length) commencing at the proposed Kidney Wood Southern Roundabout on the A1081 London Road proceeding in a northerly direction, then through a left hand curve to connect with the M1 Spur’s westbound carriageway 455 metres north-east of M1 Junction 10 Roundabout, including—

- (a) construction of a new single lane connector road with a hardshoulder;
- (b) provision of average speed cameras; and
- (c) drainage works, earthworks, pavement works, kerbing and paved area works, signing and road marking works, street lighting works, safety barrier works, fencing works, landscaping works and other works associated with the construction of the permanent highway;

Work No.3B — Construction of permanent highway (391 metres in length) commencing on the A1081 Airport Way westbound carriageway 480 metres south-west of the Capability Green Overbridge proceeding in a south-westerly direction, then going through a left hand curve followed by a right hand curve before terminating at the proposed Kidney Wood Southern Roundabout on A1081 London Road, including—

- (a) construction of new single lane connector road with a hardshoulder;
- (b) provision of average speed cameras; and
- (c) drainage works, earthworks, pavement works, kerbing and paved area works, signing and road marking works, street lighting works, safety barrier works, fencing works, landscaping works and other works associated with the construction of the permanent highway;

Work No.4A — Construction of permanent highway (281 metres in length) commencing on the M1 Spur eastbound carriageway 544 metres north-east of the M1 Junction 10 Roundabout proceeding in a north-easterly direction then going through a left hand curve before terminating at the proposed Kidney Wood Northern Roundabout on London Road, including—

- (a) construction of new two lane connector road;
- (b) provision of average speed cameras; and

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (c) drainage works, earthworks, pavement works, kerbing and paved area works, signing and road marking works, street lighting works, safety barrier works, fencing works, landscaping works and other works associated with the construction of the permanent highway.

Work No.4B — Construction of permanent highway (225 metres in length) commencing at the proposed Kidney Wood Northern roundabout proceeding in a southerly direction then going through a left hand curve to connect with the A1081 Airport Way eastbound carriageway 448 metres south-west of the Capability Green Overbridge, including—

- (a) construction of new single lane connector road with hardshoulder;
- (b) construction of a combined un-segregated footway and cycleway;
- (c) provision of average speed cameras; and
- (d) drainage works, earthworks, pavement works, kerbing and paved area works, signing and road marking works, street lighting works, safety barrier works, fencing works, landscaping works and other works associated with the construction of the permanent highway;

Work No. 5 — Reconfiguration of the existing A1081 London Road (409 metres in length) to provide an access to Bull Wood Cottages, Kidneywood House and Bull Wood to be referred to as Old London Road (South), commencing from the proposed A1081 London Road (South), 150 metres north of its junction with Newlands Road, proceeding in an easterly direction, then going through a left hand curve before continuing in a northerly direction, then terminating 81 metres south of the existing M1 Junction 10a roundabout, including—

- (a) construction of new single lane road and junction;
- (b) construction of a turning head;
- (c) construction works to narrow the existing carriageway to a single track road with passing places;
- (d) construction of two private vehicular access points from the west highway boundary of Old London Road (South) to an area of landscaping, at approximately 180 metres and 370 metres to the north of its junction with A1081 London Road (South);
- (e) diversion and protection works to existing public utility apparatus, as required to accommodate the proposed works; and
- (f) drainage works, earthworks, pavement works, kerbing and paved areas work, signing and road marking works, street lighting works, safety barrier works, fencing works, landscaping works and other works associated with the construction and modification of the permanent highway;

Work No. 6 — Reconfiguration of the existing London Road (to be stopped up) and part of the adjoining agricultural field into amenity land, including—

- (a) construction of a new private vehicular and pedestrian access to Kidney Wood at a point on the eastern highway boundary of London Road approximately 13 metres to the north of its junction with Kidney Wood Northern Roundabout;
- (b) construction of a turning head;
- (c) construction of works to widen the existing London Road footway to form a public footpath;
- (d) landscaping works;
- (e) diversion and protection works to existing public utility apparatus, as required to accommodate the proposed works; and

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (f) drainage works, earthworks, pavement works, kerbing and paved area works, signing and road marking works, street lighting works, safety barrier works, fencing works, works to control access and other works associated with the provision of the amenity land;

Work No 7 — Diversion of public footpath, requiring creation of new path (373 metres in length) commencing 20 metres north-east of Newlands Road proceeding in a north-easterly direction and then in a northerly direction terminating at the proposed A1081 London Road Link, 147 metres south-west of the proposed Kidney Wood Northern Roundabout, including—

- (a) erection of footpath gates or stiles;
- (b) erection of signing; and
- (c) drainage works, earthworks, signing works, fencing works, and other works associated with the creation of the public footpath;

Work No 8 — Construction of a drainage pipe between Kidney Wood Southern Roundabout and the proposed drainage ponds, including—

- (a) construction of piped drainage outfall; and
- (b) drainage works, earthworks, landscaping works and other works associated with the construction of a drainage pipe;

Work No 9 — Works to excavate existing old tip area down to sound ground and fill back up to original ground level with engineering fill, including—

- (a) excavation to sound ground;
- (b) fill to original ground levels with engineering fill;
- (c) any earthworks strengthening measures as may be required; and
- (d) earthworks, drainage works, fencing works, landscaping works and other works associated with this work;

Work No.10 — Construction of drainage ponds, including—

- (a) construction of attenuation pond;
- (b) construction of infiltration basin;
- (c) construction of private vehicular access from the north-eastern highway boundary of Newlands Road, from a point approximately 235 metres to the north-west of its junction with A1081 London Road (South), and construction of turning head and access tracks;
- (d) diversion and protection works to existing public utility apparatus, as required to accommodate the proposed works; and
- (e) drainage works, earthworks, signing works, street lighting works, safety barrier works, fencing works, landscaping works and other works associated with the construction of the drainage ponds;

Work No 11 — Works to fill old borrow pit to original ground levels, including—

- (a) excavation to sound ground;
- (b) fill to original ground levels with engineering fill; and
- (c) earthworks, drainage works, landscaping works and other works associated with filling the old borrow pit;

Work No 12 — Works to mitigate the impact of the proposed highway works on Kidney Wood, including—

- (a) trimming, pollarding and coppicing of trees;
- (b) clearance of vegetation, as required to construct the works;
- (c) planting of a new boundary hedge;

- (d) erection of a new fence to protect the hedge; and
- (e) clearance works, fencing works, landscaping works and other works associated with mitigating the impact of the authorised development on Kidney Wood;

Work No 13 — Works to mitigate the impact of the proposed highway works on Bull Wood, including—

- (a) trimming, pollarding and coppicing of trees;
- (b) clearance of vegetation, as required to construct the works;
- (c) erection of a new boundary fence; and
- (d) clearance works, fencing works, landscaping works and other works associated with mitigating the impact of the authorised development on Bull Wood; and

in connection with the construction of any of those works, further development within the Order limits consisting of—

- (i) alteration of the layout of any street permanently or temporarily, including but not limited to increasing the width of the carriageway of the street by reducing the width of any kerb, footpath, footway, cycle track or verge within the street; altering the level or increasing the width of any such kerb, footway, cycle track or verge; and reducing the width of the carriageway of the street;
- (ii) works required for the strengthening, improvement, maintenance, or reconstruction of any street;
- (iii) ramps, means of access, footpaths, cycleways, embankments, viaducts, aprons, abutments, shafts, foundations, retaining walls, drainage, wing walls, highway lighting, fencing and culverts;
- (iv) street works, including breaking up or opening a street, or any sewer, drain or tunnel under it; tunnelling or boring under a street; works to place or maintain apparatus in a street; works to alter the position of apparatus, including mains, sewers, drains and cables;
- (v) works to alter the course of, or otherwise interfere with a watercourse other than a navigable watercourse;
- (vi) landscaping and other works to mitigate any adverse effects of the construction, maintenance or operation of the authorised development;
- (vii) works for the benefit or protection of land affected by the authorised development; and
- (viii) such other works, including contractors' compounds, working sites, storage areas, temporary fencing and works of demolition, as may be necessary or expedient for the purposes of or in connection with the construction of the authorised development.

For the avoidance of doubt, any demolition preceding the Works is to be regarded as an integral part of the authorised development.

SCHEDULE 2

Article 3

REQUIREMENTS

Interpretation

1.—(1) In this Schedule—

“contaminated land plan” means a written scheme for the treatment of contaminated land during construction;

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“dust management plan” means a written scheme for the attenuation of dust during construction;

“relevant highway authority” means the highway authority responsible for the highway in question; and

“stage” means a defined section (if any) of the authorised development, the extent of which has been submitted to and approved in writing by the relevant planning authority under requirement 3.

(2) References in this Schedule to numbered requirements are references to the corresponding numbered paragraph of this Schedule.

Time limits

2. The authorised development must not commence later than the expiration of 5 years beginning with the date that this Order comes into force.

Stages of authorised development

3. Where the authorised development is to be implemented in stages, none of the authorised development is to commence until a written scheme setting out all the stages of the authorised development has been submitted to and approved in writing by the relevant planning authority. The authorised development must be carried out in accordance with the approved scheme.

Scheme design changes and staging

4.—(1) The authorised development must be carried out in accordance with the scheme design shown on the works plans and the sections.

(2) No stage of the authorised development is to commence until written details of the layout, scale and external appearance of any proposed gantries relating to that stage have been submitted to and approved in writing by the relevant planning authority. The proposed gantries must be constructed in accordance with the approved details.

Ecology

5.—(1) None of the authorised development, including any site clearance works, is to commence until an ecological strategy relating to the Order land containing details of how the authorised development will affect areas of nature conservation interest and what mitigation, compensatory and enhancement measures, reflecting the environmental statement, need to be incorporated into the authorised development in order to protect and enhance those areas, has been submitted to and approved in writing by the relevant planning authority.

(2) The authorised development must be carried out in accordance with the approved ecological strategy.

Protection of retained trees and shrubs during construction

6.—(1) No stage of the authorised development is to commence until for that stage written details, reflecting the mitigation measures included in the environmental statement, have been submitted to and approved in writing by the relevant planning authority for the safeguarding of trees, shrubs and hedgerows to be retained.

(2) The approved safeguarding measures must be implemented prior to the commencement of any demolition works, removal of topsoil or commencement of building operations and retained in position until the development is completed.

(3) The safeguarded areas must be kept clear of plant, building materials, machinery and other objects and the existing soil levels not altered.

Landscaping scheme

7.—(1) The authorised development must be landscaped in accordance with a written landscaping scheme, reflecting the environmental statement and incorporating ecological enhancement, mitigation and compensatory measures, that has been submitted to and approved in writing by the relevant planning authority. The landscaping scheme must be approved before the authorised development commences.

(2) The landscaping scheme must be in accordance with the ecological strategy approved under requirement 5, and must include details of all proposed hard and soft landscaping works for all land subject to development within the Order limits, including precise details and, where appropriate, samples relating to the following—

- (a) for hard landscaping areas—
 - (i) proposed finished levels;
 - (ii) hard surfacing materials;
 - (iii) minor structures (e.g. street furniture, signs and lighting, to include the colouring of lighting columns);
 - (iv) retained historic landscape features and proposals for restoration, where relevant; and
 - (v) boundary treatments and all means of enclosure; and
- (b) for soft landscaping areas—
 - (i) schedules and plans showing the location of proposed planting, noting species consistent with the ecological strategy, use of any species of local provenance, planting, size and proposed numbers and densities;
 - (ii) written specifications, schedules, and plans showing the proposed treatment and management of retained trees, shrubs and hedgerows;
 - (iii) services below ground, including drainage, pipelines, power and communication cables; and
 - (iv) written specifications associated with plant and grass establishment, including cultivation and other operations.

(3) An implementation timetable must be provided as part of the scheme that is consistent with the provisions set out in the approved ecological strategy.

Implementation and maintenance of landscaping

8.—(1) All landscaping works must be carried out in accordance with the landscaping scheme approved under requirement 7 and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice, including the Manual Of Contract Documents For Highway Works: Volume 1 Specification For Highway Works Series 3000 (05/01): Landscape And Ecology.

(2) Any tree, shrub or hedgerow planted as part of the approved landscaping that, within the period of three years after planting, is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same species and size as that originally planted, unless the relevant planning authority gives its written consent to any variation.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(3) If it becomes obvious that the original species and type were unsuitable for whatever reason, an appropriate alternative species may be specified, subject to the written consent of the relevant planning authority.

(4) Any tree, shrub or hedgerow which is retained and safeguarded during construction in accordance with requirement 6 must thereafter be maintained, and if necessary replaced, in accordance with this requirement, unless otherwise agreed in writing by the relevant planning authority.

Drainage

9.—(1) No stage of the authorised development is to be commenced until for that stage written details of the surface and foul water drainage system reflecting the mitigation measures included in the environmental statement, including where appropriate sustainable urban drainage solutions, have been submitted to and approved in writing by the relevant planning authority.

(2) The surface and foul water drainage system must be constructed in accordance with the approved details.

Measures to protect the water environment

10.—(1) None of the authorised development is to commence until—

- (a) a detailed site investigation has been carried out with respect to land within the Order limits to establish if contamination is present and to assess the degree and nature of contamination present and the action proposed to be taken to deal with any contamination that is identified;
- (b) a risk assessment has been carried out to consider the potential for pollution of the water environment; and
- (c) a water pollution prevention plan, reflecting the mitigation measures included in the environmental statement, has been submitted to and approved in writing by the relevant planning authority.

(2) The method and extent of the investigation and any measures or treatment to deal with contamination that is identified as a result must reflect the mitigation measures included in the environmental statement and be approved in writing by the relevant planning authority, following consultation with the Environment Agency and Thames Water Utilities Limited.

(3) The authorised development must be carried out—

- (a) in accordance with the approved water pollution prevention plan referred to in sub-paragraph (1)(c); and
- (b) incorporating any such measures or treatments as are approved under sub-paragraph (2)..

Flood risk assessment

11.—(1) None of the authorised development is to commence until a flood risk assessment reflecting the mitigation measures included in the environmental statement has been submitted to and approved in writing by the relevant planning authority, following consultation with the Environment Agency.

(2) The authorised development must be carried out in accordance with any recommendations made in the flood risk assessment.

Archaeology

12.—(1) No stage of the authorised development is to commence until for that stage a written scheme for the archaeological investigation of land within the Order limits has been submitted to and approved in writing by the relevant planning authority.

(2) The scheme must identify areas where field work and/or a watching brief are required, and the appropriate measures to be taken to protect, record or preserve any significant archaeological remains that may be found.

(3) Any archaeological works and/or watching brief carried out on site under the scheme must be by a suitably qualified person or body approved by the relevant planning authority.

(4) Any archaeological works and/or watching brief must be carried out in accordance with the approved scheme.

Construction traffic and access strategy

13.—(1) No stage of the authorised development is to commence until for that stage written details of construction traffic management measures and a travel plan for the contractor's workforce reflecting the mitigation measures included in the environment statement and including means of travel to construction sites and any parking to be provided, have been submitted to and approved in writing by the relevant planning authority.

(2) The authorised development must be carried out in accordance with the approved traffic management measures and travel plan.

Construction work and construction compounds

14.—(1) No stage of the authorised development is to commence until for that stage—

- (a) written details of the type and location of screen fencing for the proposed construction compounds;
- (b) written details of the type, specification and location of lighting around the compound areas and along the route during the construction phase of the authorised development;
- (c) a scheme for the attenuation of noise and vibration during construction;
- (d) a dust management plan; and
- (e) a contaminated land plan,

in each case reflecting the mitigation measures included in the environmental statement, have been submitted to and approved in writing by the relevant planning authority.

(2) The authorised development must be carried out in accordance with the approved details and plans mentioned in sub-paragraph (1).

Site waste management plan

15.—(1) No stage of the authorised development is to commence until a site waste management plan for that stage, reflecting the mitigation measures included in the environmental statement, has been submitted to and approved in writing by the relevant planning authority.

(2) The authorised development must be carried out in accordance with the approved plan mentioned in sub-paragraph (1).

Code of construction practice

16.—(1) No authorised development is to commence until a code of construction practice has been submitted to and approved in writing by the relevant planning authority.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(2) The code of construction practice must reflect the mitigation measures included in the environmental statement and the requirements relating to construction of the authorised development set out in this Schedule.

(3) The code of construction practice may incorporate the plans, schemes and details required to be approved in writing by other requirements set out in this Schedule.

(4) The authorised development must be carried out in accordance with the provisions of the code of construction practice..

Construction environmental management plan

17.—(1) No authorised development is to commence until a construction environmental management plan has been submitted to and approved in writing by the relevant planning authority.

(2) The construction environmental management plan must be prepared in accordance with the provisions of the approved code of construction practice, and must reflect the mitigation measures included in the environmental statement.

(3) The construction environmental management plan may incorporate the plans, schemes and details required to be approved in writing by other requirements set out in this Schedule.

(4) The authorised development must be carried out in accordance with the provisions of the construction environmental management plan.

Approved details

18. With respect to any requirement which requires the authorised development to be carried out in accordance with the details approved by the relevant planning authority, the approved details must reflect the mitigation measures included in the environmental statement.

Traffic management during construction

19.—(1) The authorised development must be implemented in accordance with a traffic management plan submitted to and approved in writing by each relevant highway authority, after consultation with the police, other emergency services and any other parties considered to be relevant stakeholders by the undertaker.

(2) The traffic management plan must be designed in accordance with relevant legislation, guidance and best practice, balancing the need to minimise disruption to the travelling public, protect the public and the workforce from hazards, and facilitate the economical construction of the authorised development.

(3) The plan must be approved before the authorised development commences.

SCHEDULE 3

Article 11

CLEARWAYS

The roads specified for the purposes of article 11(3) (clearways) are—

- (a) M1 Spur/A1081 Airport Way dual carriageway (part of which was previously the M1 Spur) from its junction with the roundabout of Junction 10 of the M1 Motorway to Capability Green Overbridge, a distance of 1,338 metres;
- (b) A1081 London Road from a point 165 metres south of the centre of Newlands Road at its junction with the A1081 London Road to Kidney Wood Northern Roundabout, including

- Kidney Wood Southern Roundabout and Kidney Wood Northern Roundabout, a distance of 1,130 metres;
- (c) Kidney Wood Eastbound Diverge Slip Road from the start of the diverge nosing at its junction with A1081 Airport Way (previously the M1 Spur) to the give way line of Kidney Wood Northern Roundabout, a distance of 286 metres;
 - (d) Kidney Wood Eastbound Merge Slip Road from its junction with Kidney Wood Northern Roundabout to the end of the slip road nosing at its junction with the A1081 Airport Way, a distance of 224 metres;
 - (e) Kidney Wood Westbound Diverge Slip Road from the start of the diverge nosing at its junction with the A1081 Airport Way to the give way line of the Kidney Wood Southern Roundabout, a distance of 395 metres;
 - (f) Kidney Wood Westbound Merge Slip Road from its junction with Kidney Wood Southern Roundabout to the end of the slip road nosing at its junction with A1081 Airport Way (previously the M1 spur), a distance of 350 metres;
 - (g) Capability Green Eastbound Diverge Slip Road from the start of the diverge nosing at its junction with A1081 Airport Way to its junction with Capability Green Link Road, a distance of 169 metres;
 - (h) Capability Green Westbound Merge Slip Road from its junction with the Capability Green Southern Roundabout to the end of the slip road nosing at its junction with A1081 Airport Way, a distance of 153 metres;
 - (i) Capability Green Link Road from its junction with the Capability Green Northern Roundabout to its junction with the Capability Green Southern Roundabout, a distance of 191 metres; and
 - (j) Capability Green Southern Roundabout, for the extent of the circulatory carriageway.

SCHEDULE 4

Article 12

SPEED LIMITS

PART 1

M1 MOTORWAY

For the Schedule to the M1 Motorway (Junctions 6A to 10) (Variable Speed Limits) Regulations 2011(1) substitute—

“SPECIFIED ROADS

1. The specified roads are the—
 - (a) northbound carriageway of the M1 from marker post 33/4 to marker post 50/0;
 - (b) carriageways of the northbound slip roads;
 - (c) southbound carriageway of the M1 from marker post 50/0 to marker post 33/3; and
 - (d) carriageways of the southbound slip roads.
2. Any reference in this Schedule to—

(1) [S.I. 2011/1015](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) the letter “M” followed by a number is a reference to the motorway known by that name;
- (b) the letter “A” followed by a number is a reference to the road known by that name; and
- (c) a junction followed by a number is (unless the context otherwise requires) a reference to the junction of the M1 of that number.

3. In this Schedule—

“northbound slip roads” is a reference to the lengths of carriageway specified in paragraph 4;

“off-slip road” means a slip road intended for the use of traffic leaving the M1;

“on-slip road” means a slip-road intended for the use of traffic entering the M1;

“southbound slip roads” is a reference to the lengths of carriageway specified in paragraph 5; and

“zone sign” means a sign authorised by the Secretary of State under section 64 of the Road Traffic Regulation Act 1984⁽²⁾ for the purpose of indicating that vehicles are entering, have entered or are leaving a specified road.

4. The northbound slip roads are as follows—

- (a) the linking carriageways which connect the M25 at junction 21A with the M1 at junction 6A; these commence at the exits from the clockwise and anti-clockwise carriageways of the M25 and end at the junction with the northbound carriageway of the M1;
- (b) the off-slip road which connects the northbound carriageway of the M1 with the westbound carriageway of the A414 at junction 7;
- (c) the on-slip roads which connect the westbound and eastbound carriageways of the A414 at junction 8 with the northbound carriageway of the M1;
- (d) the off-slip road which connects the northbound carriageway of the M1 with the A5 at junction 9;
- (e) the on-slip road which connects the A5 at junction 9 with the northbound carriageway of the M1;
- (f) the off-slip road which connects to the junction 10 roundabout; this commences at the junction of the off-slip road with the northbound carriageway of the M1 and ends at the entry to the Junction 10 roundabout; and
- (g) the on-slip road leading to the northbound carriageway of the M1; this commences at the exit from the Junction 10 roundabout and ends at the junction of the on-slip road with the northbound carriageway of the M1.

5. The southbound slip roads are as follows—

- (a) the off-slip road which connects (both directly and via the junction 10 roundabout) the southbound carriageway of the M1 with the eastbound carriageway of the Luton spur road; this commences at the junction of the off-slip road with the southbound carriageway of the M1 and ends at a point 45 metres to the north-west of the entry to the Junction 10 roundabout and at an equivalent point on the direct link;
- (b) the on-slip road leading to the southbound carriageway of the M1 from the westbound carriageway of the Luton spur road (both directly and via the junction 10 roundabout); this commences at a point 100 metres to the south of the exit from the

(2) 1984 c. 27.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- Junction 10 roundabout and at an equivalent point on the direct link and ends at the junction of the on-slip road with the southbound carriageway of the M1;
- (c) the off-slip road which connects the southbound carriageway of the M1 with the A5 at junction 9;
 - (d) the on-slip road which connects the A5 at junction 9 with the southbound carriageway of the M1;
 - (e) the off-slip road which connects the southbound carriageway of the M1 with the westbound and eastbound carriageways of the A414 at junction 8;
 - (f) the on-slip road which connects the eastbound carriageway of the A414 at junction 7 with the southbound carriageway of the M1; and
 - (g) the linking carriageway which connects the M1 at junction 6A with the M25 at junction 21A; this commences at the exit from the southbound carriageway of the M1 and ends at the junctions with the clockwise and anti-clockwise carriageways of the M25.”.

PART 2

ROADS SUBJECT TO 40 MPH SPEED LIMIT

<i>(1)</i> <i>Number</i>	<i>(2)</i> <i>Description</i>
1	A1081 London Road — the single carriageway road from 165 metres south of the centre of its junction with Newlands Road to its junction with the Kidney Wood Southern Roundabout, a distance of 466 metres.
2	Newlands Road — the single carriageway road from its junction with the A1081 London Road to a point 10 metres north of the centre of Stockwood under-bridge, a distance of 520 metres.

PART 3

ROADS SUBJECT TO 50 MPH SPEED LIMIT

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Description</i>
1	A1081 Airport Way and the M1 Spur – the dual carriageway from its junction with the roundabout of Junction 10 of the M1 Motorway to a point immediately below the centre of the Capability Green over-bridge, a distance of 1,371 metres, including the circulatory carriageway of the Junction 10 roundabout, a distance of 590 metres.
2	M1 Junction 10 southbound diverge slip road from the end of the entry nosing for the segregated left turn lane to its junction with the roundabout of Junction 10 of the M1 Motorway, a distance of 45 metres, including the segregated left turn lane linking the southbound diverge and the M1 Spur eastbound carriageway.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>(1)</i> No.	<i>(2)</i> Description
3	M1 Junction 10 southbound merge slip road from its junction with the roundabout of Junction 10 of the M1 Motorway to the start of the segregated left turn lane exit nosing, a distance of 100 metres, including the segregated left turn lane linking the southbound merge and the M1 Spur westbound carriageway.
4	Kidney Wood Eastbound Diverge Slip Road from the start of the diverge nosing at its junction with the M1 Spur to a point 39 metres north-east of the end of the diverge nosing, a distance of 79 metres.
5	Kidney Wood Eastbound Merge Slip Road from a point 60 metres south-west of the start of the merge nosing to the end of the slip road nosing at its junction with the A1081 Airport Way, a distance of 100 metres.
6	Kidney Wood Westbound Diverge Slip Road from the start of the diverge nosing at its junction with the A1081 Airport Way to a point 60 metres south-west of the end of the diverge nosing, a distance of 120 metres,
7	Kidney Wood Westbound Merge Slip Road from a point 74 metres north-east of the start of the merge nosing to the end of the slip road nosing at its junction with the M1 Spur, a distance of 114 metres.
8	Capability Green Eastbound Diverge Slip Road from the start of the diverge nosing at its junction with the A1081 Airport Way to a point 10 metres north-east of the end of the diverge nosing, a distance of 50 metres
9	Capability Green Westbound Merge Slip Road from a point 40 metres north-east of the merge nosing to the end of the slip road nosing at its junction with the A1081 Airport Way, a distance of 80 metres.

SCHEDULE 5

Article 13

STREETS TO BE PERMANENTLY STOPPED UP

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>	<i>(4)</i> <i>New Street to be substituted</i>
Luton Borough Council and Central Bedfordshire Council	A1081 London Road	Between points A and B on the street plans, sheet 3 (being from a point 10 metres to the south of the A1081 London Road junction with M1 Junction 10a Kidney Wood Roundabout, southwards for a distance of 80 metres).	Work Nos.1, 2, 3A, 3B, 4A, 4B and 5
	London Road	Between points C and D on the street plans, sheet 3 (being from the London Road junction with M1 Junction 10a Kidney Wood Roundabout, northwards for a distance of 220 metres), including private means of access to Kidney Wood at points J and K on those plans (being respectively 87 metres and 200 metres to the north of the junction with M1 Junction 10a Kidney Wood Roundabout).	Work Nos.1, 2, 3A, 3B, 4A, 4B, 5, 6(a) and 6(c)
Luton Borough Council	M1 Junction 10a Kidney Wood Roundabout	Between points E and F on the street plans, sheet 3 (being part of the circulatory carriageway, from a point 25 metres west of its junction with the centreline of London Road, eastwards for a distance of 45 metres)	Work Nos.1, 2, 3A, 3B, 4A, 4B and 5

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>	<i>(4)</i> <i>New Street to be substituted</i>
	Public Footpath Ref FP43	Between points G and H on the street plans, sheet 3 (being from a point 20 metres from its junction with the north-eastern highway boundary of Newlands Road to its junction with the highway boundary of M1 Junction 10a Kidney Wood Roundabout).	Work No. 7
Central Bedfordshire Council	Newlands Road	At point I on the street plans, sheet 3 (being private means of access to an infiltration pond to the south-east of the M1 Spur and north-east of Newlands Road to be at a point on the north-eastern highway boundary of Newlands Road 435 metres to the north-west of the junction with A1081 London Road).	Work No.1(d)

SCHEDULE 6

Article 14

TEMPORARY STOPPING UP OF STREETS

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street to be temporarily stopped up</i>	<i>(3)</i> <i>Extent of temporary stopping up</i>
Luton Borough Council and Central Bedfordshire Council	M1 Junction 10 Roundabout	Night-time closures of all or part of the roundabout will be required to facilitate the safe construction of the authorised development
Central Bedfordshire Council	M1 Junction 10 Northbound Diverge Slip Road	Night-time closures will be required to facilitate the safe

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street to be temporarily stopped up</i>	<i>(3)</i> <i>Extent of temporary stopping up</i>
	M1 Junction 10 Northbound Merge Slip Road	construction of the authorised development Night-time closures will be required to facilitate the safe construction of the authorised development
Luton Borough Council and Central Bedfordshire Council	M1 Junction 10 Southbound Diverge Slip Road	Night-time closures will be required to facilitate the safe construction of the authorised development
Central Bedfordshire Council	M1 Junction 10 Southbound Merge Slip Road	Night-time closures will be required to facilitate the safe construction of the authorised development
Luton Borough Council and Central Bedfordshire Council	M1 Junction 10 Southbound Diverge Dedicated Left Turn Lane	Short term closures will be required to facilitate the safe construction of the authorised development
Central Bedfordshire Council	M1 Junction 10 Southbound Merge Dedicated Left Turn Lane	Short term closures will be required to facilitate the safe construction of the authorised development
Luton Borough Council and Central Bedfordshire Council	M1 Spur	Night-time closures will be required to facilitate the safe construction of the authorised development
Luton Borough Council	M1 Junction 10a Kidney Wood Roundabout	Night-time closures of all or short term closures of part of the roundabout will be required to facilitate the safe construction of the authorised development
Luton Borough Council and Central Bedfordshire Council	A1081 Airport Way	Night-time closures will be required to facilitate the safe construction of the authorised development
	Capability Green Eastbound Diverge Slip Road	Night-time closures will be required to facilitate the safe construction of the authorised development

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street to be temporarily stopped up</i>	<i>(3)</i> <i>Extent of temporary stopping up</i>
	<p>Capability Green Westbound Merge</p> <p>A1081 London Road</p> <p>Newlands Road</p>	<p>Night-time closures will be required to facilitate the safe construction of the authorised development</p> <p>Short term closures will be required to facilitate the safe construction of the authorised development.</p> <p>Short term closures will be required to facilitate the safe construction of the authorised development.</p>
Luton Borough Council	<p>London Road</p> <p>Public Footpath FP43</p> <p>Newlands Road</p>	<p>Short term closures will be required to facilitate the safe construction of the authorised development.</p> <p>Closure of the footpath for the duration of the works required to facilitate the safe construction of the authorised development</p> <p>Field access to arable farmland to the north-west of the M1 Spur, north-east of Newlands Road and east of London Road, from a point on the north-eastern highway boundary of Newlands road 45 metres to the north-west of its underbridge crossing of the M1 Spur. To be stopped up during the duration of the works in order to allow the use of adjacent land for construction purposes</p>

SCHEDULE 7

Article 15

ACCESS TO WORKS

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Reference on street plans, sheet 3</i>	<i>(3)</i> <i>Description of access</i>
Luton Borough Council	T1	A temporary vehicular access from a point on the western highway boundary of London Road 165 metres to the north of its junction with the existing M1 Junction 10a Kidney Wood Roundabout. This temporary access is to provide access and egress for site vehicles and plant and site workers' personal vehicles to the construction compound and to the aspects of the construction works that are located to the north-west of the M1 Spur, to the west of London Road and to the north-east of Newlands Road.
	T2	A temporary vehicular access to be provided from the north-western quadrant of the proposed Kidney Wood Northern Roundabout. This temporary access is to provide access and egress for site vehicles and plant and site workers' personal vehicles to and from the construction compound and to or from the aspects of the construction works that are located to the north-west of the M1 Spur, to the west of London Road and to the north-east of Newlands Road.
	T3	A temporary vehicular access to be provided from the north-eastern highway boundary of Newlands Road, from a point 45 metres to the north-west of the underbridge crossing of the M1 Spur. This temporary access is to be located at an existing gated access to arable farmland, and is to provide access and egress for site vehicles and plant to or from those aspects of the construction works that are located to the north-west of the M1 Spur, to the west of London Road and to the north-east of Newlands Road.
	T4	A temporary vehicular access to be provided from a point on the south-western highway boundary of Newlands Road 30 metres to the north-west of the underbridge crossing of the M1 Spur. This temporary access is to

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Reference on street plans, sheet 3</i>	<i>(3)</i> <i>Description of access</i>
		provide access and egress for site vehicles and plant to and from those aspects of the construction works that are located to the north-west of the M1 Spur and to the south-west of Newlands Road. Upon completion of the works, this access is to be replaced with a permanent pedestrian private means of access at the same location that is to provide access to maintain highways equipment.
Central Bedfordshire Council	T5	A temporary vehicular access to be provided from a point on the south-western highway boundary of Newlands Road 25 metres to the south-east of the underbridge crossing of the M1 Spur. This temporary access is to provide access and egress for site vehicles and plant to and from those aspects of the construction works that are located to the south-east of the M1 Spur and to the south-west of Newlands Road.
	T6	A temporary vehicular access to be provided from a point on the north-eastern highway boundary of Newlands Road 30 metres to the south-east of the underbridge crossing of the M1 Spur. This temporary access is to provide access and egress for site vehicles and plant to and from those aspects of the construction works that are located to the south-east of the M1 Spur, to the west of A1081 London Road and to the north-east of Newlands Road.
	T7	A temporary vehicular access to be provided from a point on the north-eastern highway boundary of Newlands Road 235 metres to the north-west of its junction with the A1081 London Road (south). This temporary access is to provide access and egress for site vehicles and plant and site workers' personal vehicles to the satellite construction compound and to and from those aspects of the construction works that are located to the south-east of the M1 Spur, to the west of A1081 London Road and to the north-east of Newlands Road.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Reference on street plans, sheet 3</i>	<i>(3)</i> <i>Description of access</i>
	T8	A temporary vehicular access to be provided from a point on the western highway boundary of the existing A1081 London Road 305 metres to the south of its junction with M1 Junction 10a Kidney Wood Roundabout. This temporary access is to provide access and egress for site vehicles and plant to and from those aspects of the construction works that are located to the south-east of the M1 Spur, to the west of A1081 London Road and to the north-east of Newlands Road.
	T9	A temporary vehicular access to be provided from a point on the western highway boundary of the existing A1081 London Road 110 metres to the south of its junction with M1 Junction 10a Kidney Wood Roundabout. This temporary access is to provide access and egress for site vehicles and plant to and from those aspects of the construction works that are located to the south-east of the M1 Spur, to the west of A1081 London Road and to the north-east of Newlands Road.

SCHEDULE 8

Article 20(2)

LAND IN WHICH ONLY NEW RIGHTS ETC. MAY BE ACQUIRED

<i>(1)</i> <i>Number of land shown on land plans, sheet 1</i>	<i>(2)</i> <i>Purpose for which rights over the land may be acquired</i>
1A	Provision of diverted public right of way.
3B	Construction, inspection and maintenance of a buried drainage pipe.
3D	Construction, inspection and maintenance of a reinforced earthworks slope.

SCHEDULE 9

Article 20(4)

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 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.

2.—(1) Without limitation on the scope of paragraph 1, the Land Compensation Act 1973⁽³⁾ has 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 are substituted the words “a right or restrictive covenant over land is purchased from or imposed on”; and
- (b) for the words “acquired or taken from him” there are substituted the words “over which the right is exercisable or the restrictive covenant enforceable”.

(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 are substituted the words “a right over or restrictive covenant affecting land consisting”;
- (b) for the word “severance” there are substituted the words “right or restrictive covenant over or affecting the whole of the house, building or manufactory or of the house and the park or garden”;
- (c) for the words “part proposed” there are substituted the words “right or restrictive covenant proposed”; and
- (d) for the words “part is” there are substituted the words “right or restrictive covenant is”.

Application of the 1965 Act

3.—(1) The 1965 Act has effect with the modifications necessary to make it apply to the compulsory acquisition under this Order of a right by the creation of a new right, or to the imposition under this Order of a restrictive covenant, as it applies to the compulsory acquisition under this Order of land, so that, in appropriate contexts, references in that Act to land are read (according to the requirements of the particular context) as referring to, or as including references 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 limitation on the scope of sub-paragraph (1), Part 1 of the 1965 Act applies in relation to the compulsory acquisition under this Order of a right by the creation of a new right with the modifications specified in the following provisions of this Schedule.

4. For section 7 of the 1965 Act (measure of compensation) there is substituted the following section—

(3) 1973 c. 26.

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

5. For section 8 of the 1965 Act (provisions as to divided land) there is substituted the following section—

“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 or the imposition of the restrictive covenant would apart from this section fall to be determined by the Upper 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 land and—
 - (i) where that land consists of a house, building or manufactory, that the right cannot be purchased or the restrictive covenant imposed without material detriment to that land; or
 - (ii) where that land consists of such a park or garden, that the right cannot be purchased or the restrictive covenant imposed without seriously affecting the amenity or convenience of the house to which that land belongs,

the M1 Junction 10a (Grade Separation) Order 2013⁽⁴⁾ (“the Order”), in relation to that person, ceases to authorise the purchase of the right and is 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 is 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 is to 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 prejudices any other power of the authority to withdraw the notice.”

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),

(4) [S.I. 2013/2808](#)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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

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

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

9. Section 22 of the 1965 Act (protection of acquiring authority's possession where by inadvertence an estate, right or interest has not been got in) is modified so as to enable the undertaker, 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.

SCHEDULE 10

Article 25

LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Number of land shown on land plans, sheet 1</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Relevant part of the authorised development</i>
Luton Borough Council	1	To provide access to the area of the works to the north-east of Newlands Road and north-west of the M1 Spur from Newlands Road.	All works
	1A	Construction of a boundary fence and diverted public right of way.	Work No.1, Work No.2, Work No.4A and Work No. 7
	1B	Construction of a boundary fence.	Work No.1, Work No.2 and Work No.4A.
	1D	Provision of a site compound, including but not limited to site	All works

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(1) <i>Location</i>	(2) <i>Number of land shown on land plans, sheet 1</i>	(3) <i>Purpose for which temporary possession may be taken</i>	(4) <i>Relevant part of the authorised development</i>
		offices, welfare facilities, parking for workers' private vehicles and works vehicles, storage of plant, material and topsoil and the treatment of site-generated waste.	
Luton Borough Council and Central Bedfordshire Council	2B	Carrying out works to trees, construction of fencing and planting of a hedgerow.	Work No.12
Luton Borough Council	2C	Construction and use of the vehicular access to the site compound, and construction of part of a turning head.	All works
	2H	To provide access during the works and to allow the construction of new means of access.	Work No.1
	2I	To allow the realignment of London Road and the associated works to the verges, footways and earthworks.	Work No.2 and Work No.6
	2J	To allow the widening of A1081 Airport Way and the associated improvements to Capability Green junction.	Work No.1
Central Bedfordshire Council	3A	Storage of materials and works to infill existing burrow pit.	All works
	3B	Construction of drainage pipes, access, the storage of materials and works to infill existing burrow pit.	Work No. 8
	3C	Access to the area of the works to the south-east of the M1 Spur and to the north-east of Newlands	All works

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(1) <i>Location</i>	(2) <i>Number of land shown on land plans, sheet 1</i>	(3) <i>Purpose for which temporary possession may be taken</i>	(4) <i>Relevant part of the authorised development</i>
	<p>3D</p> <p>3E</p> <p>3F</p> <p>4B</p>	<p>Road, and the storage of materials and plant</p> <p>Excavation of existing tip area and works to infill to original ground levels.</p> <p>Use as a satellite compound for works to the south-east of the M1 Spur, including but not limited to site offices, welfare facilities, parking for workers' private vehicles and works vehicles, storage of plant, material and topsoil and the treatment of site-generated waste.</p> <p>Regrading of part of earth bunds that extend beyond the proposed highway boundary</p> <p>Carrying out works to trees, and construction of fencing</p>	<p>Work No. 9</p> <p>All works</p> <p>Work No.1 and Work No.3A</p> <p>Work No.1 and Work No.3B</p>
<p>Luton Borough Council and Central Bedfordshire Council</p>	<p>5A</p> <p>6C</p> <p>6D</p>	<p>Carrying out works to trees, and construction of fencing</p> <p>To allow the widening of the M1 Spur, the provision of new slip roads as part of Kidney Wood junction and the provision of a continuous link between the M1 Spur and A1081 Airport Way.</p> <p>To allow the widening of the M1 Spur, the provision of new slip roads as part of Kidney Wood junction and the provision of a</p>	<p>Work No.1 and Work No.3B</p> <p>Work No.1, Work No.2, Work No.3A, Work No.3B, Work No.4A and Work No.4B</p> <p>Work No.1, Work No.3A,</p>

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(1) <i>Location</i>	(2) <i>Number of land shown on land plans, sheet 1</i>	(3) <i>Purpose for which temporary possession may be taken</i>	(4) <i>Relevant part of the authorised development</i>
		continuous link between the M1 Spur and A1081 Airport Way.	Work No.3B, Work No.4A and Work No.4B
	6E	To allow the provision of new slip roads as part of Kidney Wood junction and the provision of a continuous link between the M1 Spur and A1081 Airport Way.	Work No.1, Work No.2, Work No.3B and Work No.4B
	7C	To allow the provision of new slip roads as part of Kidney Wood junction and the provision of a continuous link between the M1 Spur and A1081 Airport Way.	Work No.1, Work No.2, Work No.3A, Work No.3B, Work No.4A and Work No.4B
	7D	To allow the provision of a continuous link between the M1 Spur and A1081 Airport Way, the widening of A1081 Airport Way and the associated improvements to Capability Green junction.	Work No.1, Work No.3B and Work No.4B
	7E	To allow the widening of A1081 Airport Way and the associated improvements to Capability Green junction.	Work No.1
	7F	To allow the provision of the realigned A1081 London Road, the modification of A1081 London Road to form Old London Road (South) to provide	Work No.2, Work No.5 and Work No.10

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Number of land shown on land plans, sheet 1</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Relevant part of the authorised development</i>
		access to Kidneywood House and Bull Wood Cottages, access to the works, the construction of the access to the proposed attenuation and infiltration ponds and the improvements to Newlands Road and its junction with A1081 London Road.	

SCHEDULE 11

Article 31

TREES SUBJECT TO TREE PRESERVATION ORDERS

<i>(1)</i> <i>Type of tree</i>	<i>(2)</i> <i>Reference of trees on environmental context plans</i>	<i>(3)</i> <i>Work to be carried out</i>
Birch, oak, ash, rowan and hornbeam.	Kidney Wood Tree Preservation Order shown on sheets 1 and 2	Removal, trimming, lopping and coppicing of trees within Kidney Wood Tree Preservation Order to be carried out to facilitate the construction of the authorised development and to ensure its future viability and stability.

SCHEDULE 12

Article 34

PROTECTIVE PROVISIONS

PART 1

FOR THE PROTECTION OF HIGHWAY AUTHORITIES

1. Unless otherwise agreed in writing between the undertaker and the highway authority concerned, the following provisions of this Schedule have effect in relation to any highway for which the undertaker is not the highway authority.

2. In this Schedule—

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

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

3. Wherever in this Schedule provision is made with respect to the approval or consent of the highway authority, that approval or consent must be given in writing and may be given subject to such reasonable terms and conditions as the highway authority may impose but must not be unreasonably withheld.

4. Before commencing any part of the authorised development the undertaker must submit to the highway authority for its approval in writing proper and sufficient plans and must not commence that part of the authorised development until those plans have been approved or settled by arbitration in accordance with article 37 (arbitration).

5. If, within 21 days after any plans have been submitted to a highway authority under paragraph 4, it has not intimated its disapproval and the grounds of disapproval, it is to be deemed to have approved them except to the extent that the plans involve departures from Highways Agency standards.

6. In the event of any disapproval of plans by a highway authority under paragraph 4, the undertaker 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 21 days of the plans being re-submitted, it is to be deemed to have approved them except to the extent that the plans involve departures from Highways Agency and local highway authority standards.

7. Except in an emergency or where reasonably necessary to secure the safety of the public, no direction or instruction is to be given by the highway authority to the contractors, servants or agents of the undertaker regarding construction of the authorised development without the prior consent in writing of the undertaker but the highway authority is not be liable for any additional costs which may be incurred as a result of the giving of instructions or directions under this paragraph.

8. To facilitate liaison with the undertaker, the highway authority concerned must provide so far as is reasonably practicable a representative to attend meetings arranged by the undertaker about the authorised development.

9. The authorised development must be completed in accordance with the reasonable requirements of the highway authority or, in case of difference between the undertaker 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 in accordance with article 37.

PART 2

FOR THE PROTECTION OF ELECTRICITY, GAS, WATER AND SEWERAGE UNDERTAKERS

Application and interpretation

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

(2) In this Part of this Schedule—

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

“apparatus” means—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) in the case of an electricity undertaker, electric lines or electrical plant (as defined in the Electricity Act 1989⁽⁵⁾), belonging to or maintained by that statutory undertaker;
- (b) in the case of a gas undertaker, any mains, pipes or other apparatus belonging to or maintained by a gas transporter for the purposes of gas supply;
- (c) in the case of a water undertaker, mains, pipes and other apparatus belonging to or maintained by the undertaker for the purposes of water supply; and
- (d) in the case of a sewerage undertaker—
 - (i) any drain or works vested in the undertaker under the Water Industry Act 1991⁽⁶⁾; and
 - (ii) any sewer which is so vested or is the subject of a notice of intention to adopt given under section 102(4) of that Act or an agreement to adopt made under section 104 of that Act,

and includes a sludge main, disposal main (within the meaning of section 219 of that Act) or sewer outfall and any manholes, ventilating shafts, pumps or other accessories forming part of any such sewer, drain or works,

and includes any structure in which apparatus is or is to be lodged or which gives or will give access to apparatus;

“emergency works” has the same meaning as in section 52 of the 1991 Act;

“functions” includes powers and duties;

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

“plans” includes sections and method statements;

“undertaker” means the undertaker as defined in article 2 (interpretation); and

“statutory undertaker” means—

- (a) any licence holder within the meaning of Part 1 of the Electricity Act 1989;
 - (b) a gas transporter within the meaning of Part 1 of the Gas Act 1986⁽⁷⁾;
 - (c) a water undertaker within the meaning of the Water Industry Act 1991; and,
 - (d) a sewerage undertaker within the meaning of Part 1 of the Water Industry Act 1991,
- for the area of the authorised development, and in relation to any apparatus, means the statutory undertaker to whom it belongs or by whom it is maintained.

(3) Except in the case of paragraph 11, this Part of this Schedule does 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 undertaker and the statutory undertaker are regulated by the provisions of Part 3 of the 1991 Act.

(4) Article 28 (apparatus and rights of statutory undertakers in stopped up streets) does not apply in relation to a statutory undertaker referred to in this Part of this Schedule.

(5) Paragraphs (1) and (2) of article 29 (recovery of costs of new connections) have effect as if it referred to apparatus removed under this Part of this Schedule.

(5) 1989 c. 29.

(6) 1991 c. 56.

(7) 1986 c. 44. A new section 7 was substituted by section 5 of the Gas Act 1995 (c. 45), and was further amended by section 76 of the Utilities Act 2000 (c. 27).

Apparatus of statutory undertakers in stopped up streets

11.—(1) Where any street is stopped up under article 13 (permanent stopping up of streets), any statutory undertaker whose apparatus is under, in, on, along or across the street is to have the same powers and rights in respect of that apparatus as it enjoyed immediately before the stopping up but nothing in this sub-paragraph affects any right of the undertaker or of the statutory undertaker to require the removal of that apparatus under paragraph 13 or the power of the undertaker to carry out works under paragraph 15.

(2) Regardless of the temporary stopping up or diversion of any highway under the powers conferred by article 14 (temporary stopping up of streets), and subject always to the power of the undertaker to make provisions for the alteration of such apparatus, the statutory undertaker is at liberty at all times and after giving reasonable notice except in the case of emergency to take all necessary access and to execute and do all such works and things in, upon or under any such highway as may be reasonably necessary or desirable to enable it to inspect, repair, maintain, renew, alter, remove or use any apparatus which at the time of the temporary stopping up or diversion was in that highway.

Acquisition of Apparatus

12. Regardless of any provision in this Order or anything shown on the land plans, the undertaker must not acquire under this Order any apparatus or rights or interests of the statutory undertaker to access, maintain or otherwise assert their rights in relation to such apparatus otherwise than by agreement.

Removal of apparatus

13.—(1) If, in the exercise of the powers conferred by this Order, the undertaker acquires any interest in any land in which any apparatus is placed, that apparatus must not be removed under this Part of this Schedule and any right of a statutory undertaker to use, maintain, repair, renew, alter or inspect that apparatus in that land must not be extinguished until alternative apparatus has been constructed and is in operation to the reasonable satisfaction of the statutory undertaker in question, and the provisions of sub paragraph to (5) apply in relation to such works.

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

(3) If alternative apparatus or any part of such apparatus is to be constructed elsewhere than in other land of the undertaker, or the undertaker is unable to afford such facilities and rights as are mentioned in sub-paragraph (2), in the land in which the alternative apparatus or part of such apparatus is to be constructed, the statutory undertaker in question must, on receipt of a written notice to that effect from the undertaker, take such steps as are reasonably necessary to obtain the necessary facilities and rights in the land in which the alternative apparatus is to be constructed, but such obligation does not extend to the requirement for the statutory undertaker to use its compulsory purchase powers to achieve this end.

(4) Any alternative apparatus to be constructed in land of the undertaker under this Part of this Schedule must be constructed in such manner and in such line or situation as may be agreed

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

between the statutory undertaker in question and the undertaker or in default of agreement settled by arbitration in accordance with article 37 (arbitration).

(5) The statutory undertaker in question must, after the alternative apparatus to be provided or constructed has been agreed or settled by arbitration in accordance with article 37, and subject to the grant to the statutory undertaker of any such facilities and rights as are referred to in sub-paragraph (2) or (3), proceed without unnecessary delay to construct and bring into operation the alternative apparatus and subsequently to remove any apparatus required by the undertaker to be removed under the provisions of this Part of this Schedule.

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

(7) Nothing in sub-paragraph (6) authorises the undertaker to execute the placing, installation, bedding, packing, removal, connection or disconnection of any apparatus, or execute any filling around the apparatus (where the apparatus is laid in a trench) within 300 millimetres of the apparatus.

Facilities and rights for alternative apparatus

14.—(1) Where, in accordance with the provisions of this Part of this Schedule, the undertaker affords to a statutory undertaker facilities and rights for the construction, use, maintenance, renewal and inspection in land of the undertaker of alternative apparatus in substitution for apparatus to be removed, those facilities and rights are to be granted upon such terms and conditions as may be agreed between the undertaker and the statutory undertaker in question or in default of agreement settled by arbitration in accordance with article 37 (arbitration).

(2) In settling those terms and conditions in respect of alternative apparatus the arbitrator must—

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

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

Retained apparatus: protection

15.—(1) Not less than 28 days before commencing the execution of any works authorised by this Order that are near to or will or may affect any apparatus the removal of which has not been required by the undertaker under paragraph 13(2), the undertaker must submit to the statutory undertaker in question a plan of the works to be executed.

(2) Those works are to be executed only in accordance with the plan submitted under sub-paragraph (1) and in accordance with such reasonable requirements as may be made in accordance

with sub-paragraph (3) by the statutory undertaker for the alteration or otherwise for the protection of the apparatus, or for securing access to it, and the statutory undertaker is entitled to watch and inspect the execution of those works.

(3) Any requirements made by a statutory undertaker under sub-paragraph (2) must be made within 21 days after the submission to them of a plan, section and description under sub-paragraph (1).

(4) If a statutory undertaker in accordance with sub-paragraph (3) and in consequence of the works proposed by the undertaker, reasonably requires the removal of any apparatus and gives written notice to the undertaker of that requirement, paragraphs 10 to 14 apply as if the removal of the apparatus had been required by the undertaker under paragraph 13(2).

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

(6) The undertaker is not required to comply with sub-paragraph (1) where it needs to carry out emergency works but in that case it must give to the statutory undertaker in question notice as soon as is reasonably practicable and a plan of those works subsequently and must comply with sub-paragraph (2) so far as reasonably practicable in the circumstances.

Expenses

16.—(1) Subject to the following provisions of this paragraph, the undertaker must repay to the statutory undertaker reasonable expenses incurred by that statutory undertaker in, or in connection with—

- (a) the inspection, removal and relaying or replacing, or alteration or protection of any apparatus or the construction of any new or alternative apparatus or connections to apparatus which may be required in consequence of the execution of any such works as are required under this Part of this Schedule, including any costs reasonably incurred or compensation properly paid in connection with the acquisition of rights or the exercise of statutory powers for such apparatus;
- (b) the cutting off of any apparatus from any other apparatus or the making safe of redundant apparatus;
- (c) the survey of any land, apparatus or works, the inspection and monitoring of works or the installation or removal of any temporary works reasonably necessary in consequence of the execution of any such works referred to in this Part of this Schedule.

(2) There is to be deducted from any sum payable under sub-paragraph (1) the value of any apparatus removed under the provisions of this Schedule, that value being calculated after removal.

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

- (a) apparatus of better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions, except where this has been solely due to using the nearest currently available type; or
- (b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was situated,

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker or, in default of agreement, is not determined by arbitration in accordance with article 37 (arbitration) to be necessary, then, if such placing involves cost in the construction of works under this part of this Schedule exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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 undertaker in question by virtue of sub-paragraph (1) is to be reduced by the amount of that excess except where it is not possible in the circumstances to obtain the existing type of operations, capacity, dimensions or place at the existing depth in which case full costs are to be borne by the undertaker.

(4) For the purposes of sub-paragraph (3)—

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

(5) An amount which apart from this sub-paragraph would be payable to a statutory undertaker in respect of works by virtue of sub-paragraph (1) (and having regard, where relevant to sub paragraph (2)) must, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on the statutory undertaker any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.

Indemnity

17.—(1) Subject to sub-paragraphs (2) and (3), if by reason or in consequence of the construction, maintenance or failure of the authorised development, or any works required under this Schedule by or on behalf of the undertaker, or in consequence of any act or default of the undertaker (or any person employed or authorised by the undertaker) in the course of carrying out such 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 a statutory undertaker or there is any interruption in any service provided, or in the supply of any goods, by any statutory undertaker, the undertaker must—

- (a) bear and pay the cost reasonably incurred by that statutory undertaker in making good such damage or restoring the supply; and
- (b) indemnify that statutory undertaker for any other expenses, loss, damages, claims, penalty or costs incurred by or recovered from that statutory undertaker,

by reason or in consequence of any such damage or interruption.

(2) Nothing in sub-paragraph (1) imposes any liability on the undertaker with respect to any damage or interruption to the extent that it is attributable to the act, neglect or default of a statutory undertaker, its officers, servants, contractors or agents.

(3) A statutory undertaker must give the undertaker reasonable notice of any such claim or demand received under sub-paragraph (1) and no settlement or compromise is to be made without the consent of the undertaker which, if it withholds such consent has the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand.

Enactments and agreements

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

Co-operation

19. Where in consequence of the proposed construction of any of the authorised development the undertaker or a statutory undertaker requires the removal of apparatus under paragraph 13(2) or a statutory undertaker makes requirements for the protection or alteration of apparatus under paragraph 15(2), the undertaker and the statutory undertaker must use their best endeavours to co-ordinate the execution of the works in the interests of safety and the efficient and economic execution of the authorised development and the safe and efficient operation of the statutory undertaker's undertaking.

Access

20. If, in consequence of the exercise of any powers under this Order the access to any apparatus is materially obstructed the undertaker must provide such alternative means of access to such apparatus as will enable the statutory undertaker to maintain or use the apparatus no less effectively than was possible before such obstruction.

PART 3

FOR THE PROTECTION OF NATIONAL GRID

Interpretation

21. In this Part of this Schedule—

“National Grid” means National Grid Gas Plc whose registered address is 1-3 Strand, London WC2N 5EH (“National Grid”);

“the high pressure gas main” means the Kinsbourne Green to Dallow Road high pressure gas main; and

“plans” means all drawings, designs, sections, specifications, method statements and other documentation that are reasonably necessary to properly and sufficiently describe the work to be executed.

High pressure gas main: application of Parts 2 and 3

22.—(1) Subject to sub-paragraphs (2) and (3), this Part of this Schedule applies to the high pressure gas main in addition to Part 2.

(2) Paragraph 23 of this Part of this Schedule applies to the high pressure gas main instead of paragraph 15 of Part 2.

(3) Paragraph 23 of this Part of this Schedule (except in the case of paragraph 23(6)) has effect including in circumstances where the high pressure gas main is regulated by the provisions of Part 3 of the 1991 Act, and in those circumstances paragraphs 16 to 20 of Part 2 have effect, except as provided for in paragraph 24 of this Part.

High pressure gas main: protection

23.—(1) Not less than 42 days before commencing the execution of any works authorised by this Order which will or may be situated on, over or under the high pressure gas main, or within 3 metres respectively from the high pressure gas main measured in any direction, or which involve embankment works within 3 metres of the high pressure gas main, the undertaker must submit to National Grid detailed plans describing—

(a) the exact position of those works;

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) the level at which those works are proposed to be constructed or renewed;
 - (c) the manner of their construction or renewal; and
 - (d) the position of the high pressure gas main.
- (2) The undertaker must not commence the construction or renewal of any works to which sub-paragraph (1) applies until National Grid has given written approval of the plans so submitted.
- (3) Any approval of National Grid under sub-paragraph (2)—
- (a) may be given subject to reasonable conditions for any purpose mentioned in sub-paragraph (4);
 - (b) must not be unreasonably withheld.
- (4) In relation to a work to which sub-paragraph (1) applies, National Grid may require such modifications to be made to the plans as may be reasonably necessary for the purpose of securing its system against interference or risk of damage or for the purpose of providing or securing proper and convenient means of access to the high pressure gas main.
- (5) Works to which this paragraph applies must be executed only in accordance with—
- (a) the plan approved under sub-paragraph (2); and
 - (b) such reasonable requirements as may be made in accordance with sub-paragraph (4) by National Grid for the alteration or otherwise for the protection of the apparatus, or for securing access to it,
- and National Grid is entitled to watch and inspect the execution of those works.
- (6) If in consequence of the works proposed by the undertaker National Grid reasonably requires the removal of the high pressure gas main and gives written notice to the undertaker of that requirement, paragraphs 10 to 14 apply as if the removal of the apparatus had been required by the undertaker under paragraph 13(2).
- (7) Nothing in this paragraph precludes the undertaker from submitting at any time or from time to time, but in no case less than 28 days before commencing the execution of any works, a new plan, instead of the plan, previously submitted, and having done so the provisions of this paragraph apply to and in respect of the new plan.
- (8) The undertaker is not required to comply with sub-paragraph (1) where it needs to carry out emergency works but in that case it must give to National Grid notice as soon as is reasonably practicable and a plan, of those works subsequently and must comply with—
- (a) sub-paragraph (5) so far as reasonably practicable in the circumstances; and
 - (b) sub-paragraph (9) at all times.
- (9) At all times when carrying out any works authorised under this paragraph the undertaker must comply with National Grid’s policies for safe working in proximity to gas apparatus “Specification for safe working in the vicinity of National Grid high pressure gas pipelines and associated installations requirements for third parties T/SP/SSW27” and HSE’s “HS(G)47 Avoiding danger from underground services”.

Conduct of claims and demands

24.—(1) Sub-paragraph (2) applies instead of paragraph 17(3) of Part 2 in relation to claims and demands made against National Grid under that paragraph.

(2) National Grid must give the undertaker reasonable notice of any such claim or demand received under paragraph 17(1) of Part 2 and no settlement or compromise is to be made without first consulting the undertaker and considering the undertaker’s representations (such representations not to be unreasonably withheld or delayed).

Document Generated: 2023-10-10

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*