

**2016 No. 49**

**INFRASTRUCTURE PLANNING**

**The National Grid (Hinkley Point C Connection Project) Order  
2016**

*Made* - - - - - *19th January 2016*

*Coming into force* - - - - - *9th February 2016*

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An application under section 37 of the Planning Act 2008<sup>(a)</sup> (the “2008 Act”) has been made to the Secretary of State for an order granting development consent.

The application has been examined by a Panel, which has made a report to the Secretary of State under section 74(2) of the 2008 Act.

The Secretary of State has considered the report and recommendation of the Panel, has taken into account the environmental information in accordance with regulation 3 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009<sup>(b)</sup> and has had regard to the documents and matters referred to in section 104(2) of the 2008 Act.

The Secretary of State is satisfied that the special category land within the order limits, when burdened with the rights imposed by this Order, will be no less advantageous than it was before to the persons in whom it is vested; other persons, if any, entitled to rights of common or other rights; and the public; and that, accordingly, section 132(3) of the 2008 Act applies.

The Secretary of State, having decided the application, has determined to make an order giving effect to the proposals comprised in the application on terms that in the opinion of the Secretary of State are not materially different from those proposed in the application.

Accordingly, the Secretary of State, in exercise of the powers in section 114 and 120 of the 2008 Act, makes the following Order:

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(a) 2008 c. 29.

(b) S.I. 2009/2263, amended by S.I. 2012/635 and 2012/787.

# PART 1

## PRELIMINARY

### Citation and commencement

1. This Order may be cited as the National Grid (Hinkley Point C Connection Project) Order 2016 and comes into force on the 9th February 2016.

### Interpretation

2.—(1) In this Order, unless the context requires otherwise—

“1961 Act” means the Land Compensation Act 1961(a);

“1965 Act” means the Compulsory Purchase Act 1965(b);

“1980 Act” means the Highways Act 1980(c);

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

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

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

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

“2008 Act” means the Planning Act 2008;

“2009 Act” means the Marine and Coastal Access Act 2009(h);

“access and rights of way plans” means the plans listed in Part 1 of Schedule 2 (plans) and certified as the access and rights of way plans by the Secretary of State for the purposes of this Order;

“Archaeological Written Scheme of Investigation” means the scheme included as part of the CEMP identifying steps to mitigate predicted effects on archaeology, geo-archaeology, paleo-environmental and historic landscape heritage assets during construction of the authorised development;

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

“Biodiversity Mitigation Strategy” means the strategy included as part of the CEMP incorporating measures to avoid, reduce, mitigate and compensate for likely adverse effects on ecological receptors arising from the construction of the authorised development;

“Book of Reference” means the Book of Reference certified under article 44 by the Secretary of State as the Book of Reference for the purposes of this Order;

“building” includes any structure or erection or any part of a building, structure or erection;

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

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

“CEMP” means the Construction Environmental Management Plan (Document 5.26.1C) together with the Archaeological Written Scheme of Investigation (Document 5.26.4C), the Biodiversity Mitigation Strategy (Document 5.26.3C) the Construction Traffic Management Plan (Document 5.26.5C), the Noise and Vibration Management Plan (Document 5.26.7B),

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- (a) 1961 c. 33.  
(b) 1965 c. 56.  
(c) 1980 c. 66.  
(d) 1981 c. 66.  
(e) 1984 c. 27.  
(f) 1990 c. 8.  
(g) 1991 c. 22.  
(h) 2009 c. 23.

the Public Rights of Way Management Plan (Document 5.26.6C) and the Waste Management Plan (Document 5.26.2C) which incorporates the findings and recommendations of the Environmental Statement, certified under article 44 (certification of plans etc.);

“Construction Traffic Management Plan” means the plan included as part of the CEMP incorporating strategies and measures to limit the impact on existing users of the public highway network arising from construction of the authorised development;

“Deemed Marine Licence” means the marine licence set out in Schedule 9;

“design drawings” means the drawings and sections listed in Part 2 of Schedule 2 (plans) and certified as the design drawings certified by the Secretary of State for the purposes of this Order;

“electronic transmission” means a communication transmitted—

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

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

“Environmental Statement” means the environmental statement (May 2014 – Documents 5.1 to 5.7.3.13, 5.8.1 to 5.19, 5.22.1, 5.22.2.1 to 5.22.3, 5.23.1 to 5.23.4, and 5.24), the environmental statement advertisement for consultation on increased pylon height within Bristol Port, Avonmouth (June 2015 - Document 5.34.2), National Grid’s report of environmental statement sensitivity test advertisement (March 2015 – Document 8.8) and the documents contained in or named in the consolidated errata and changes (June 2015 – Document 5.30.B.1, 5.30.B.2 and 5.30.B.3) submitted by National Grid to support its application, as set out in the Guide to the Application Document 1.7I including Document 5.21.2A incorrectly referred to as superseded, Document 5.22.1A referred to as the latest when it is supplementary, but excluding Document 5.27 which does not form part of the Environmental Statement;

“highway” and “highway authority” have the same meaning as in the 1980 Act;

“Land Plans” mean the relevant plans listed in Part 3 of Schedule 2 (plans) and certified as the Land Plans by the Secretary of State for the purposes of this Order, and references to a particular Land Plan must be construed accordingly;

“Landscape Drawings” mean the drawings listed in Part 9 of Schedule 2 (plans) and certified as the Landscape Drawings by the Secretary of State for the purposes of this Order, and references to a particular Landscape Drawing must be construed accordingly;

“limits of deviation” means the limits of deviation referred to in article 5 (limits of deviation) and shown on the Works Plans;

“main river” has the same meaning as in Part 4 of the Water Resources Act 1991(a);

“maintain” includes inspect, repair, adjust, alter, remove, reconstruct or replace the authorised development, provided such works do not give rise to any materially new or materially different environmental effects to those identified in the Environmental Statement, and any derivative of “maintain” must be construed accordingly;

“MMO” means the Marine Management Organisation;

“National Grid” means National Grid Electricity Transmission plc (registered company number 2366977);

“Noise and Vibration Management Plan” means the plan included as part of the CEMP incorporating procedures for the management of noise and vibration arising from the construction of the authorised development;

“Order land” means the land shown on the Land Plans which is within the Order limits and described in the Book of Reference;

“Order limits” means the limits shown on the Land Plans and on the Works Plans within which the authorised development may be carried out;

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(a) 1991 c. 57.

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

“Port Authority” means First Corporate Shipping Limited (registered company number 2542406) trading as The Bristol Port Company, being the statutory harbour authority and competent harbour authority for the Port of Bristol, and includes its harbour master;

“Public Rights of Navigation Plan” means the plan listed in Part 4 of Schedule 2 (plans) and certified as the Public Rights of Navigation Plan by the Secretary of State for the purposes of this Order;

“Public Rights of Way Management Plan” means the plan included as part of the CEMP detailing measures to manage the temporary closure of public footpaths arising from the construction of the authorised development;

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

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

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

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

“Requirements” means the Requirements listed in Schedule 3, and any numbered Requirement must be construed accordingly.

“the sections” means the sections included as part of the design drawings and listed in Part 2(a) of Schedule 2 (plans);

“Special Category Land and Crown Land Plans” means the plans listed in Part 5 of Schedule 2 (plans) and certified as the Special Category Land and Crown Land Plans by the Secretary of State for the purposes of this Order;

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

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

“temporary construction works” means Works Nos. 2D and 3B;

“traffic” has the same meaning as in section 329(1) of the 1980 Act;

“traffic authority” has the same meaning as in the 1984 Act;

“Traffic Regulation Plans” mean the plans listed in Part 6 of Schedule 2 (plans) and certified as the Traffic Regulation Plans by the Secretary of State for the purposes of this Order, and references to a particular Traffic Regulation Plan must be construed accordingly;

“trees and hedges to be removed or affected plans” means the plans listed in Part 7 of Schedule 2 (plans) and certified as the trees and hedges to be removed or affected plans by the Secretary of State for the purposes of this Order;

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

“undertaker” means—

(a) in relation to the authorised development, National Grid; and

(b) in relation to the WPD Works, includes WPD;

“Waste Management Plan” means the plan included as part of the CEMP incorporating measures for the management of waste arising from the construction of the authorised development;

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(a) 1981 c. 67. Section 7 was amended by section 70 of, and paragraph 9 of Schedule 15 to, the Planning and Compensation Act 1991 (c. 34). There are other amendments to the 1981 Act which are not relevant to this Order.

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

“WPD” means Western Power Distribution (South West) plc (registered company number 2366894);

“WPD Works” means Works Nos. 4A to 4P and any associated development in connection with those Works; and

“Works Plans” means the plans listed in Part 8 of Schedule 2 (plans) and certified as the Works Plans by the Secretary of State under article 44, and references to a particular Works Plan must be construed accordingly.

(2) References in this Order to rights over land include references to rights to do, or to place and maintain, anything in, on or under land or in the air-space above its surface and references in this Order to the imposition of restrictions are references to restrictions over land which interfere with the interests or rights of another and are for the benefit of land which is acquired, or rights over which are acquired, under this Order.

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

(4) All areas described in square metres in the Book of Reference are approximate.

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

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

(7) References in this Order to “Document” followed by a number or numbers are references to documents submitted by National Grid in support of this Order.

(8) For the purposes of this Order, “operational use” in relation to any part of the authorised development occurs when that part first transmits electricity at either 132kV or 400kV.

## PART 2

### PRINCIPAL POWERS

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

3.—(1) Subject to the provisions of this Order and to the Requirements—

- (a) National Grid is granted development consent for the authorised development; and
- (b) WPD is granted development consent for the WPD Works.

(2) The authorised development must be constructed and installed in the lines and situations shown on the Works Plans listed in Schedule 2 and in accordance with the levels shown on the sections, subject to article 5 (limits of deviation) and to the Requirements in Schedule 3 (Requirements).

(3) Schedule 3 has effect.

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

4.—(1) National Grid may at any time maintain the authorised development (excluding the WPD Works), except to the extent that this Order or an agreement made under this Order provides otherwise.

(2) WPD may at any time maintain the WPD Works, except to the extent that this Order or an agreement made under this Order provides otherwise.



## **Limits of deviation**

5.—(1) In carrying out the authorised development for which it is granted development consent by article 3(1) (development consent etc. granted by the Order) except as provided in paragraphs (2), (3) and (4) the undertaker may—

- (a) deviate laterally from the lines or situations of the authorised development shown on the Works Plans within the limits of deviation relating to a Work shown on those plans and subject to Requirement 42 carry out construction activities for the purpose of the authorised development anywhere within the Order limits; and
- (b) deviate vertically from the levels of the authorised development shown on the sections—
  - (i) to any extent upwards not exceeding 4 metres in respect of the overhead lines;
  - (ii) to any extent upwards not exceeding 10% of the maximum height shown on the relevant design drawings in respect of the substations, cable sealing end compounds and permanent bridges; and
  - (iii) to any extent downwards as may be found to be necessary or convenient.

(2) Pylon LD32 must be constructed, 40 metres northwards from the position shown on the Works Plans within the limits of deviation relating to that Work as shown on those plans together with a corresponding increase in height of pylon LD32 to 36.5m and of pylon LD31 to 40 metres comprised in Work No. 1D shown in the sections (Drawing No 13/NG/0271 – 01\_13205\_84 revision C, Sheet 4)

(3) Pylon LD51 (and adjacent spans LD50 to LD51 to LD52) forming part of the authorised development comprised in Work No. 1E must not deviate laterally westwards from the lines or situations of the authorised development shown on the Works Plans section D, sheets 5 and 6 within the limits of deviation relating to that Work shown on those plans such that the overhead line cannot be constructed closer to Moorland Park than the centre line of Work No. 1E.

(4) Pylons LD109 – LD113 must be constructed in accordance with the dimensions shown on drawing No 01\_13205\_84 showing increased pylon height within Bristol Port, Avonmouth, in order to provide a minimum 20.7m vertical ground clearance for the spans between pylons LD109 to LD113.

## **Benefit of Order**

6.—(1) The provisions of this Order have effect for the benefit of—

- (a) National Grid in respect of the authorised development; and
- (b) WPD in respect of the WPD Works.

(2) WPD may not carry out the WPD Works under article 3(1)(b) (development consent etc. granted by the Order) except in accordance with the written consent of National Grid, which may be granted subject to reasonable conditions.

(3) If WPD fails to carry out the WPD Works in accordance with National Grid's consent, National Grid may give WPD and the Secretary of State notice that National Grid intends to carry out the WPD Works under article 3(1)(a) from a date specified in the notice.

(4) On the date specified in the notice, WPD is to cease to have the benefit of article 3(1)(b) and paragraph (1)(b) of this article.

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

7.—(1) National Grid in relation to the authorised development not including the WPD Works, and WPD in relation to the WPD Works, may, with the consent of the Secretary of State—

- (a) transfer to another person (“the transferee”) any or all of the benefit of the provisions of this Order and such related statutory rights as may be agreed between National Grid or WPD and the transferee; or

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

(2) The Secretary of State must consult the MMO before giving consent to the transfer or grant to another person of the whole or part of the benefit of the provisions of the Deemed Marine Licence.

(3) Where a transfer or grant has been made in accordance with paragraph (1) references in this Order to National Grid or WPD (as the case may be), except in paragraph (4), is to include references to the transferee or the lessee.

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

### **Application of the 1990 Act**

**8.**—(1) This article applies where land is used for the temporary construction works.

(2) Where this article applies, section 57(2) of the 1990 Act (planning permission required for development) applies as if the development consent granted by this Order were planning permission granted for a limited period.

### **Application of the Community Infrastructure Levy Regulations 2010**

**9.**—(1) The Community Infrastructure Levy Regulations 2010(a) apply to the authorised development as if regulation 5(2) of those Regulations (meaning of “planning permission”) referred to development consent which is deemed to be granted for a limited period by an order made under section 114(1)(a) of the 2008 Act (grant or refusal of development consent) rather than to planning permission which is granted for a limited period.

(2) Development consent is deemed to be granted for a limited period for the temporary construction works and any other temporary buildings or works authorised by this Order.

## **PART 3 STREETS**

### **Street works**

**10.**—(1) The undertaker may, for the purposes of the authorised development, enter upon so much of any of the streets specified in column (2) of Schedule 5 (streets subject to street works) as is within the Order limits and may—

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

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

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(a) S.I. 2010/948.

(3) The powers conferred in paragraphs (1) and (2) are without limitation on the powers of the undertaker under the Electricity Act 1989<sup>(a)</sup>.

(4) In this article “apparatus” has the meaning given in Part 3 of the 1991 Act.

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

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

- (a) they are of a description mentioned in any of paragraphs (a), (c) to (e), (g) and (h) of section 86(3) of the 1991 Act (which defines what highway authority works are major highway works); or
- (b) they are works which, had they been executed by the relevant highway authority, might have been carried out in exercise of the powers conferred by section 64 of the 1980 Act (dual carriageways and roundabouts).

(2) The provisions of the 1991 Act mentioned in paragraph (3) (which, together with other provisions of that Act, apply in relation to the carrying out of street works) and any regulations made, or code of practice issued or approved, under those provisions apply (with necessary modifications) in relation to any stopping up, alteration or diversion of a street of a temporary nature by the undertaker under the powers conferred by article 13 (temporary stopping up of streets and public rights of way) whether or not the stopping up, alteration or diversion constitutes street works within the meaning of that Act.

(3) The provisions of the 1991 Act referred to in paragraph (2) are—

- (a) section 54 (advance notice of certain works), subject to paragraph (4);
- (b) section 55 (notice of starting date of works), subject to paragraph (4);
- (c) section 57 (notice of emergency works);
- (d) section 59 (general duty of street authority to co-ordinate works);
- (e) section 60 (general duty of undertakers to co-operate);
- (f) section 68 (facilities to be afforded to street authority);
- (g) section 69 (works likely to affect other apparatus in the street);
- (h) section 71 (materials, workmanship and standard of reinstatement);
- (i) section 76 (liability for cost of temporary traffic regulation);
- (j) section 77 (liability for cost of use of alternative route); and
- (k) all such other provisions as apply for the purposes of the provisions mentioned in subparagraphs (a) to (j).

(4) Sections 54 and 55 of the 1991 Act as applied by paragraph (1) have effect as if references in section 57 of that Act to emergency works were a reference to a stopping up, alteration or diversion (as the case may be) required in a case of emergency.

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

**12.**—(1) The undertaker may for the purposes of carrying out the authorised development permanently or temporarily alter the layout of, or carry out any works in, a street specified in column (1) of Part 1 or 2 of Schedule 6 (streets subject to alteration of layout) in the manner specified in relation to that street in column (2).

(2) Without limitation on the specific powers conferred by paragraph (1), but subject to paragraph (4), the undertaker may, for the purposes of constructing and maintaining the authorised development, permanently or temporarily alter the layout of any street within the Order limits and

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(a) 1989 c. 29.

the layout of any street having a junction with such a street; and, without limiting the scope of this paragraph, the undertaker may—

- (a) increase the width of the carriageway of the street by reducing the width of any kerb, footpath, footway, cycle track or verge within the street;
- (b) alter the level or increase the width of any such kerb, footpath, footway, cycle track or verge;
- (c) reduce the width of the carriageway of the street;
- (d) make and maintain crossovers and passing places;
- (e) carry out works for the provision or alteration of parking places, loading bays and cycle tracks; and
- (f) execute any works to provide or improve sight lines required by the highway authority.

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

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

(5) If a street authority which receives an application for consent under paragraph (4) fails to notify the undertaker of its decision before the end of the period of 28 days beginning with the date on which the application was made, it is deemed to have granted consent.

### **Temporary stopping up of streets and public rights of way**

**13.—**(1) During and for the purposes of carrying out the authorised development, the undertaker may temporarily stop up, alter or divert any street or public right of way shown on the access and rights of way plans or within the Order limits and may for any reasonable time—

- (a) divert the traffic from the street or public right of way; and
- (b) subject to paragraph (3), prevent all persons from passing along the street or public right of way.

(2) Without limitation on the scope of paragraph (1), the undertaker may use as a temporary working site any street or public right of way which has been temporarily stopped up, altered or diverted under the powers conferred by this article.

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

(4) Without limitation on the scope of paragraph (1), the undertaker may temporarily stop up, alter or divert the streets or public rights of way specified in columns (1) and (2) of Parts 1 and 2 of Schedule 7 (streets or public rights of way to be temporarily stopped up) to the extent specified, by reference to the letters and numbers shown on the access and rights of way plans, in column (3) of that Schedule, and, if it does so in respect of a street or public right of way specified in Part 1 of Schedule 7, must provide the temporary diversion as specified in column (4) of that Part.

(5) The undertaker must not temporarily stop up, alter or divert—

- (a) any street or public right of way specified as mentioned in paragraph (4) without first consulting the street authority; and
- (b) any other street or public right of way without the consent of the street authority which may attach reasonable conditions to any consent.

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

(7) If a street authority which receives an application for consent under paragraph (5)(b) fails to notify the undertaker of its decision before the end of the period of 28 days beginning with the date on which the application was made, it is deemed to have granted consent.

### **Access to works**

**14.—**(1) The undertaker may, for the purposes of the authorised development and with the consent of the relevant planning authority, after consultation with the relevant highway authority, form and lay out such other means of access or improve existing means of access, at such locations within the Order limits as the undertaker reasonably requires for the purposes of the authorised development.

(2) If a relevant planning authority which receives an application for consent under paragraph (1) fails to notify the undertaker of its decision before the end of the period of 28 days beginning with the date on which the application was made, it is deemed to have granted consent.

### **Agreements with street authorities**

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

- (a) the construction of any new street including any structure carrying the street over or under an electric line authorised by this Order;
- (b) the maintenance of the structure of any bridge or tunnel carrying a street over or under an electric line authorised by this Order;
- (c) any stopping up, alteration or diversion of a street authorised by this Order; or
- (d) the carrying out in the street of any of the works referred to in article 10 (street works).

(2) Such an agreement may, without limitation on the scope of paragraph (1)—

- (a) make provision for the street authority to carry out any function under this Order which relates to the street in question;
- (b) include an agreement between the undertaker and the street authority specifying a reasonable time for the completion of the works; and
- (c) contain such terms as to payment and other matters as the parties consider appropriate.

## **PART 4**

### **SUPPLEMENTAL POWERS**

#### **Discharge of water**

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

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

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

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

- (a) in accordance with plans approved by the person to whom the sewer or drain belongs; and
- (b) where that person has been given the opportunity to supervise the making of the opening.

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(a) 1991 c. 56. Section 106 was amended by the Water Act 2003 (c. 37), sections 36(2) and 99 subject to the transitional provisions contained in article 6 of, and Schedule 3 to, S.I. 2004/641. There are other amendments to section 106 which are not relevant to this Order.

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

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

(7) Nothing in this article overrides the requirement for an environmental permit under regulation 12(1)(b) of the Environmental Permitting (England and Wales) Regulations 2010(a).

(8) This article does not permit any activity listed in paragraph 3(1) of Schedule 21 to the Environmental Permitting (England and Wales) Regulations 2010.

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

(10) In this article—

- (a) “public sewer or drain” means a sewer or drain which belongs to the Homes and Communities Agency, the Environment Agency, a harbour authority within the meaning of section 57 of the Harbours Act 1964(b), an internal drainage board, a joint planning board, a local authority, a National Park Authority, a sewerage undertaker or an urban development corporation; and
- (b) other expressions, excluding watercourse, used both in this article and in the Environmental Permitting (England and Wales) Regulations 2010 have the same meaning as in those Regulations.

### **Protective work to buildings**

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

(2) Protective works may be carried out—

- (a) at any time before or during the carrying out in the vicinity of the building of any part of the authorised development; or
- (b) after the completion of that part of the authorised development in the vicinity of the building at any time up to the end of the period of 5 years beginning with the day on which that part of the authorised development is first brought into operational use.

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

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

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

(5) Before exercising—

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

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(a) S.I. 2010/675.

(b) 1964 c. 40. Paragraph 9B was inserted into Schedule 2 by the Transport and Works Act 1992 (c. 42), section 63(1) and Schedule 3, paragraph 9(1) and (2).

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

(6) Where a notice is served under paragraph (5)(a), (c) or (d), the owner or occupier of the building or land concerned may, by serving a counter-notice within the period of 10 days beginning with the day on which the notice was served, require the question whether it is necessary or expedient to carry out the protective works or to enter the building or land to be referred to arbitration under article 49 (arbitration).

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

(8) Where—

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) on land located within the highway boundary without the consent of the relevant highway authority; or
- (b) in a private street without the consent of the street authority.

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

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

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

that authority is deemed to have granted consent.

## PART 5

### POWERS OF ACQUISITION

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

**19.** National Grid (but not WPD) may acquire compulsorily so much of the Order land specified in columns (1) and (2) of Schedule 11 (land which may be compulsorily acquired) as is required for the construction, operation and maintenance of the authorised development not including the WPD Works or is incidental to it or required to facilitate it.

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

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

- (a) paragraph 8(3) is not incorporated; and
- (b) for “the acquiring authority” there is substituted “the undertaker”.

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

**21.**—(1) After 18th January 2024—

- (a) no notice to treat may be served under Part 1 of the 1965 Act; and
- (b) no declaration may be executed under section 4 of the 1981 Act as applied by article 25 (application of the Compulsory Purchase (Vesting Declarations) Act 1981)(b).

(2) The authority conferred by article 29 (temporary use of land by National Grid) and article 30 (temporary use of land by WPD) ceases at the end of 18th January 2024, save that nothing in this paragraph prevents the undertaker remaining in possession of land after the end of that period, if the land was entered and possession was taken before the end of that period.

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(a) 1981 c. 67. Sub-paragraph (5) of paragraph 1 of Part 1 of Schedule 2 was amended by section 67 of, and paragraph 27(3) of Schedule 9 to, the Coal Industry Act 1994 (c. 21) and paragraph 8 of Part 3 of Schedule was amended by section 46 of the Criminal Justice Act 1982 (c. 48). There are other amendments to the 1981 Act which are not relevant to this Order.

(b) 1981 c. 66. Sections 2 and 116 were amended by section 4 of, and paragraph 52 of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c. 11). There are other amendments to the 1981 Act which are not relevant to this Order.



### **Compulsory acquisition of rights**

**22.**—(1) Subject to the provisions of this article, the undertaker may acquire compulsorily the rights, and impose the restrictions, over the Order land, described in the Book of Reference, by creating them as well as by acquiring rights and the benefits of restrictions already in existence.

(2) This article is subject to article 19 (compulsory acquisition of land), article 29 (temporary use of land by National Grid) and article 30 (temporary use of land by WPD).

(3) Subject to section 8 of the 1965 Act (provisions as to divided land) as substituted by paragraph 5 of Schedule 10 (modification of compensation and compulsory purchase enactments for creation of new rights), where the undertaker acquires a right over land or imposes a restriction under paragraph (1), the undertaker is not required to acquire a greater interest in that land.

(4) Schedule 10 has effect for the purpose of modifying the enactments relating to compensation and the provisions of the 1965 Act in their application in relation to the compulsory acquisition under this article of a right over land by the creation of a new right or imposes a restriction.

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

(6) The exercise by a statutory undertaker of any power in accordance with a transfer under paragraph (5) is subject to the same restrictions, liabilities and obligations as would apply under this Order if that power were exercised by the undertaker.

### **Extinguishment and suspension of private rights**

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

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

whichever is the earlier.

(2) Subject to the provisions of this article, all private rights and restrictive covenants over land owned by the undertaker which, being within the Order limits, is required for the purposes of this Order, are extinguished on the commencement of any activity authorised by this Order which interferes with or breaches such rights or such restrictive covenants.

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

- (a) as from the date of the acquisition of the right or the benefit of the restriction by the undertaker, whether compulsorily or by agreement; or
- (b) on the date of entry on the land by the undertaker under section 11(1) of the 1965 Act in pursuance of the right;

whichever is the earlier.

(4) Subject to the provisions of this article and article 24 (extinguishment of private rights and restrictive covenants relating to apparatus belonging to National Grid or WPD removed from land subject to temporary possession), all private rights or restrictive covenants over land of which the undertaker takes temporary possession under this Order are suspended and unenforceable for as long as the undertaker remains in lawful possession of the land.

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

(6) This article does not apply in relation to any right to which section 138 of the 2008 Act (extinguishment of rights, and removal of apparatus, of statutory undertakers etc.) or article 33 (statutory undertakers) applies.

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

(a) any notice given by the undertaker before—

- (i) the completion of the acquisition of the land or rights or the imposition of restrictive covenants over or affecting the land;
- (ii) the undertaker's appropriation of it;
- (iii) the undertaker's entry onto it; or
- (iv) the undertaker's taking temporary possession of it,

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

(b) any agreement made, in so far as it relates to the authorised development, at any time between the undertaker and the person in or to whom the right or restrictive covenant in question is vested, belongs or benefits.

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

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

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

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

(9) A reference in this article to private rights and restrictive covenants over land includes any trust, incident, easement, wayleave, liberty, privilege, right or advantage annexed to land (including any land forming part of a common, open space or fuel or field garden allotment) and adversely affecting other land, including any natural right to support.

### **Extinguishment of private rights and restrictive covenants relating to apparatus belonging to National Grid or WPD removed from land subject to temporary possession**

**24.—**(1) This article applies to any Order land specified in Part 1 (National Grid) and Part 2 (WPD) of Schedule 8 (extinguishment of private rights and restrictive covenants relating to apparatus belonging to National Grid or WPD removed from land subject to temporary possession) and any other Order land of which National Grid takes temporary possession under article 29 (temporary use of land by National Grid) or WPD takes temporary possession under article 30 (temporary use of land by WPD).

(2) All private rights or restrictive covenants in relation to apparatus belonging to National Grid or WPD removed from any land to which this article applies are extinguished from the date on which National Grid or WPD gives up temporary possession of that land under article 29 or 30, as the case may be.

(3) The extinguishment of rights by paragraph (2) does not give rise to any cause of action relating to the presence on or in the land of any foundations (save for those which lie less than one metre underground) referred to in article 29(5)(c) and (6)(c) or 30(5)(c) and (6)(c) (National Grid and WPD not required to remove foundations when giving up temporary possession).

### **Application of the Compulsory Purchase (Vesting Declarations) Act 1981**

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

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

(3) In section 3 (preliminary notices) for subsection (1) there is substituted—

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

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

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

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

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

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

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

- (a) in subsection (1), after “publication” there is inserted “in a local newspaper circulating in the area in which the land is situated”; and
- (b) subsection (2) is omitted.

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

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

#### **Acquisition of subsoil or air-space only**

**26.**—(1) The undertaker may compulsorily acquire so much of, or such rights in, the subsoil of, or the air-space over, the land referred to in article 19 (compulsory acquisition of land) and article 22 (compulsory acquisition of rights) as may be required for any purpose for which that land may be acquired or for which rights over or under the land may be acquired under those provisions instead of acquiring the whole of the land.

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

(3) Paragraph (2) does not prevent article 27 (acquisition of part of certain properties) from applying where the undertaker acquires a cellar, vault, arch or other construction forming part of a house, building or manufactory.

#### **Acquisition of part of certain properties**

**27.**—(1) This article applies instead of section 8(1) of the 1965 Act (other provisions as divided land) (as applied by section 125 of the 2008 Act) where—

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

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

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

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

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

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

the owner is required to sell the land subject to the notice to treat.

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

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

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

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

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

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

(8) If the undertaker agrees to take the land subject to the counter-notice, or if the Tribunal determines that—

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

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

(9) Where by reason of a determination by the Tribunal under this article a notice to treat is deemed to be a notice to treat for less land or more land than that specified in the notice, the undertaker may, within the period of 6 weeks beginning with the day on which the determination is made, withdraw the notice to treat; and, in that event, must pay the owner compensation for any loss or expense occasioned to the owner by the giving and withdrawal of the notice, to be determined in case of dispute by the Tribunal.

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

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

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

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

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

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

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

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

### **Temporary use of land by National Grid**

**29.**—(1) National Grid may, in connection with the carrying out of the authorised development—

- (a) enter on and take temporary possession of—
  - (i) so much of the land specified in column (1) of Part 1 of Schedule 12 (land of which temporary possession may be taken) to exercise the powers described in the Book of Reference for the purpose specified in relation to that land in column (2) of Part 1 of that Schedule relating to the part of the authorised development specified in column (3) of Part 1 of that Schedule; and
  - (ii) any other Order land in respect of which no notice of entry has been served under section 11 of the 1965 Act (other than in connection with the acquisition of rights only) and no declaration has been made under section 4 of the 1981 Act;
- (b) remove any electric line, electrical plant, buildings, structures, pylons, apparatus and vegetation from that land;
- (c) construct temporary works (including the provision of means of access) and buildings on that land; and
- (d) construct any works specified in relation to that land in column (2) of Part 1 of Schedule 12 or any other mitigation works.

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

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

- (a) in the case of land referred to in paragraph (1)(a)(i), after the end of the period of one year beginning with the date of completion of the part of the authorised development specified in relation to that land in column (3) of Part 1 of Schedule 12, or
- (b) in the case of land referred to in paragraph (1)(a)(ii), after the end of the period of one year beginning with the date of completion of the work for which temporary possession of the land was taken unless National Grid has, by the end of that period, served a notice of entry under section 11 of the 1965 Act or made a declaration under section 4 of the 1981 Act in relation to that land.

(4) National Grid must provide the owner of any land of which temporary possession has been taken under this article with written notice of the date of completion of the works for which temporary possession was taken within 28 days of the completion of those works.

(5) Before giving up possession of land of which temporary possession has been taken under paragraph (1)(a)(i), National Grid must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land, but National Grid is not required to—

- (a) replace a building, structure, electric line, electrical plant or pylon removed under this article;
- (b) restore the land on which any works have been carried out under paragraph (1)(d) insofar as the element of works shown in column (4) of Part 1 of Schedule 12 is concerned;
- (c) remove any foundations below one metre which had been placed in that land to support pylons and electric lines constructed upon those foundations; or
- (d) remove any pylons or electric lines or underground cables constructed or installed on, over, under or in that land as part of the authorised development.

(6) Before giving up possession of land of which temporary possession has been taken under paragraph (1)(a)(ii), unless otherwise agreed by the owners of the land, National Grid must either acquire the land or the interest on, over, or in the land in accordance with the provisions of paragraph (3)(b) or remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land; but National Grid is not required to—

- (a) replace a building, structure, electric line, electrical plant or pylon removed under this article;
- (b) restore the land on which any works have been carried out under paragraph (1)(d) insofar as the element of works shown in column (4) of Part 1 of Schedule 12 is concerned;
- (c) remove any foundations below one metre which had been placed in that land to support pylons and electric lines constructed upon those foundations; or
- (d) remove any pylons or electric lines or underground cables constructed or installed on, over, under or in that land as part of the authorised development.

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

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

(9) Nothing in this article affects any liability to pay compensation under section 152 of the 2008 Act (compensation in case where no right to claim in nuisance) or under any other enactment in respect of loss or damage arising from the carrying out of the authorised development, other than loss or damage for which compensation is payable under paragraph (7).

(10) National Grid may not compulsorily acquire under this Order the land referred to in paragraph (1)(a)(i) except that National Grid is not precluded from—

- (a) acquiring new rights or imposing restrictions over any part of that land under article 22 (compulsory acquisition of rights); or
- (b) acquiring any rights in the subsoil or rights in air-space over (or rights in the subsoil or in the air-space over) that land under article 26 (acquisition of subsoil or air-space only).

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

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

(13) Nothing in this article prevents National Grid from taking temporary possession more than once in relation to any land specified in Part 1 of Schedule 12.

### **Temporary use of land by WPD**

**30.—**(1) WPD may, in connection with the carrying out of the WPD Works—

- (a) enter on and take temporary possession of—
  - (i) so much of the land specified in column (1) of Part 2 of Schedule 12 (land of which temporary possession may be taken) to exercise the powers described in the Book of Reference for the purpose specified in relation to that land in column (2) of Part 2 of that Schedule relating to the part of the authorised development specified in column (3) of Part 2 of that Schedule; and
  - (ii) any other Order land in respect of the WPD Works in respect of which no notice of entry has been served under section 11 of the 1965 Act (other than in connection with the acquisition of rights only) and no declaration has been made under section 4 of the 1981 Act;
- (b) remove any electric lines, electrical plant, buildings, structures, pylons, apparatus and vegetation from that land;
- (c) construct temporary works (including the provision of means of access) and buildings on that land; and
- (d) construct any works specified in relation to that land in column (2) of Part 2 of Schedule 12, or any other mitigation works.

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

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

- (a) in the case of land referred to in paragraph (1)(a)(i), after the end of the period of one year beginning with the date of completion of the part of the authorised development specified in relation to that land in column (3) of Part 2 of Schedule 12, or
- (b) in the case of land referred to in paragraph (1)(a)(ii), after the end of the period of one year beginning with the date of completion of the work for which temporary possession of the land was taken unless the undertaker has, by the end of that period, served a notice of entry under section 11 of the 1965 Act or made a declaration under section 4 of the 1981 Act in relation to that land.

(4) WPD must provide the owner of any land of which temporary possession has been taken under this article with written notice of the date of completion of the work for which temporary possession was taken within 28 days of the completion of those works.

(5) Before giving up possession of land of which temporary possession has been taken under paragraph (1)(a)(i), WPD must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land; but WPD is not required to—

- (a) replace a building, structure, electric line, electrical plant or pylon removed under this article;
- (b) remove any pylons, electric lines or underground cables constructed or installed on, over, under or in that land as part of the WPD Works;
- (c) remove any foundations below one metre which had been placed in that land to support pylons and electric lines constructed upon those foundations; or
- (d) restore the land on which any works have been carried out under paragraph (1)(d) insofar as the element of works shown in column (4) of Part 2 of Schedule 12 is concerned.

(6) Before giving up possession of land of which temporary possession has been taken under paragraph (1)(a)(ii), unless otherwise agreed by the owners of the land, WPD must either acquire the right on, over, or in the land in accordance with the provisions of paragraph (3)(b) or remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land; but WPD is not required to—

- (a) replace a building, structure, electric line, electrical plant or pylon removed under this article;
- (b) remove any pylons, electric lines or underground cables constructed or installed on, over, under or in that land as part of the WPD Works;

- (c) remove any foundations below one metre which had been placed in that land to support pylons and electric lines constructed upon those foundations; or
- (d) restore the land on which any works have been carried out under paragraph (1)(d) insofar as the element of works shown in column (4) of Part 2 of Schedule 12 is concerned.

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

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

(9) Nothing in this article affects any liability to pay compensation under section 152 of the 2008 Act (compensation in case where no right to claim in nuisance) or under any other enactment in respect of loss or damage arising from the carrying out of the authorised development, other than loss or damage for which compensation is payable under paragraph (7).

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

- (a) acquiring new rights or imposing restrictions over any part of that land under article 22 (compulsory acquisition of rights); or
- (b) acquiring any rights in the subsoil or in air-space over (or rights in the subsoil or in air-space over) that land under article 26 (acquisition of subsoil or air-space only).

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

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

(13) Nothing in this article prevents WPD from taking temporary possession more than once in relation to any land specified in Part 2 of Schedule 12.

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

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

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

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

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

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

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

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



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

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

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

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

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

(11) In this article "the maintenance period" in relation to any part of the authorised development means the period of five years beginning with the date on which that part of the authorised development is brought into operational use, except where the authorised development is replacement or landscape planting where "the maintenance period" means the period of five years beginning with the date on which that part of the replacement or landscape planting is completed.

### **Crown rights**

**32.**—(1) Nothing in this Order affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and, in particular, nothing in this Order authorises the undertaker or any licensee—

- (a) to take, use, enter on or in any manner interfere with any land or rights of any description (including any part of the shore or bed of the sea or any river, channel, creek, bay or estuary)—
  - (i) belonging to Her Majesty in right of the Crown and forming part of the Crown Estate without the consent in writing of the Crown Estate Commissioners;
  - (ii) belonging to Her Majesty in right of the Crown and not forming part of the Crown Estate without the consent in writing of the government department having the management of that land; or
  - (iii) belonging to a government department or held in trust for Her Majesty for the purposes of a government department without the consent in writing of that government department; or
- (b) to exercise any right under this Order compulsorily to acquire an interest in any land which is Crown land (as defined in section 227 of the 2008 Act) that is for the time being held otherwise than by or on behalf of the Crown without the consent in writing of the appropriate Crown authority (as defined that section).

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

### **Statutory undertakers**

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

- (a) acquire compulsorily, or acquire rights or impose restrictions over, the land belonging to statutory undertakers shown on the Land Plans within the Order limits and described in the Book of Reference; and
- (b) extinguish the rights of, or remove or reposition the apparatus belonging to, statutory undertakers over or within the Order land.

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

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

(2) Paragraph (1) does not apply in the case of the removal of a public sewer, but where such a sewer is removed under article 33 any person who is—

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

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

(3) In this article—

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

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

## **PART 6**

### **MISCELLANEOUS AND GENERAL**

#### **Deemed Marine Licence**

**35.** The undertaker is deemed to have been granted the licence under Part 4 of the 2009 Act contained in Schedule 9 to this Order, to carry out the works and make the deposits described in that licence and subject to the licence conditions which are deemed to have been attached to the licence by the Secretary of State under Part 4 of the 2009 Act.

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

**36.**—(1) This article applies to—

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

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

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

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

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

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(a) 2003 c.21.

- (b) confer or impose on any such party any right or obligation arising out of or connected with anything done or omitted on or in relation to land which is the subject of the lease, in addition to any such right or obligation provided for by the terms of the lease; or
- (c) restrict the enforcement (whether by action for damages or otherwise) by any party to the lease of any obligation of any other party under the lease.

### **Operational land for purposes of the 1990 Act**

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

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

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

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

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

### **Temporary closure of, and works in, the River Avon**

**39.**—(1) The undertaker may, in connection with the construction of the authorised development temporarily interfere with the relevant part of the river.

(2) Without limitation on the powers conferred by paragraph (1) but subject to paragraph (4) the undertaker may, in connection with the construction of the authorised development—

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(a) 1990 c. 43. Section 82 is amended by section 5 of the Noise and Statutory Nuisance Act 1993, c. 40, section 106 of, and Schedule 17 to, the Environment Act 1995, c. 25 and section 103 of the Clean Neighbourhoods and Environment Act 2005, c. 16. There are other amendments to this Act which are not relevant to this Order.

(b) 1974 c. 40. Sections 61(9) and 65(8) were amended by section 162 of, and paragraph 15 of Schedule 3 to, the Environmental Protection Act 1990, c. 25. There are other amendments to the 1974 Act which are not relevant to this Order.

(a) temporarily moor or anchor barges or other vessels or craft in the relevant part of the river and may load or unload into and from such barges, other vessels or craft equipment, machinery, soil and any other materials in connection with the construction of the authorised development; and

(b) on grounds of health and safety only, temporarily close to navigation the relevant part of the river.

(3) During the period of any closure referred to in paragraph (2)(b), all rights of navigation and other rights relating to, and any obligations of the Port Authority in relation to, the relevant part of the river so closed must be suspended and unenforceable against the Port Authority.

(4) The power conferred by paragraphs (1) and (2) must be exercised in such a way which secures—

(a) that no more of the relevant part of the river is closed to navigation at any time than is necessary in the circumstances; and

(b) that, if complete closure to navigation of the relevant part of the river becomes necessary, all reasonable steps are taken to secure that the period of closure is kept to a minimum and that the minimum obstruction, delay or interference is caused to vessels or craft which may be using or intending to use the part so closed.

(5) Any person who suffers loss as a result of the suspension of any private right of navigation under this article must be entitled to be paid compensation for such loss by the undertaker, to be determined, in case of dispute, under Part 1 of the 1961 Act.

(6) In this article, “the relevant part of the river” means so much of the River Avon as is shown hatched on Section G, Sheet 1 of the Public Rights of Navigation Plan.

### **Traffic regulation**

**40.**—(1) Subject to the provisions of this article, and the consent of the traffic authority in whose area the road concerned is situated, the undertaker may at any time, for the purposes of the construction of the authorised development—

(a) prohibit vehicular access, prohibit waiting of vehicles and regulate vehicular speed by imposing a speed restriction on vehicles of 30 mph or such other speed as may be agreed in writing with the traffic authority in the manner specified in Part 1 of Schedule 13 (traffic regulation) on a road specified in column (1) and along the lengths and between the points specified in column (2) in the manner specified in column (3) of that Part of that Schedule;

(b) prohibit vehicular access and prohibit waiting of vehicles in the manner specified in Part 2 of Schedule 13 on a road specified in column (1) and along the lengths and between the points specified in column (2) in the manner specified in column (3) of that Part of that Schedule; and

(c) prohibit waiting of vehicles in the manner specified in Part 3 of Schedule 13 on a road specified in column (1) and along the lengths and between the points specified in column (2) in the manner specified in column (3) of that Part of that Schedule.

(2) Without limiting the scope of the specific powers conferred by paragraph (1) but subject to the provisions of this article and the consent of the traffic authority in whose area the road concerned is situated, the undertaker may, in so far as may be expedient or necessary for the purposes of or in connection with construction of the authorised development, at any time prior to when the authorised development is first brought into operational use—

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

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

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

- (d) make provision as to the maximum speed, direction or priority of vehicular traffic on any road; and
  - (e) permit or prohibit vehicular access to any road,
- either at all times or at times, on days or during such periods as may be specified by the undertaker.

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

- (a) given not less than 4 weeks' notice in writing of its intention so to do to the chief officer of police and to the traffic authority in whose area the road is situated; and
- (b) advertised its intention in such manner as the traffic authority may specify in writing within 7 days of its receipt of notice of the undertaker's intention as provided for in subparagraph (a).

(4) Any prohibition, restriction or other provision made by the undertaker under paragraph (1) or (2)—

- (a) has effect as if duly made by—
  - (i) the traffic authority in whose area the road is situated as a traffic regulation order under the 1984 Act; or
  - (ii) the local authority in whose area the road is situated as an order under section 32 of the 1984 Act,

and the instrument by which it is effected may specify savings and exemptions (in addition to those mentioned in Schedule 13 (traffic regulation) to which the prohibition, restriction or other provision is subject; and

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

(5) Any prohibition, restriction or other provision made under this article may be suspended, varied or revoked by the undertaker from time to time by subsequent exercise of the powers conferred by paragraphs (1) and (2) at any time prior to the part of the authorised development to which it relates being brought into operational use.

(6) Before complying with the provisions of paragraph (3) the undertaker must consult the chief officer of police and the traffic authority in whose area the road is situated.

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

(8) If the traffic authority fails to notify the undertaker of its decision within 28 days of receiving an application for consent under paragraphs (1) and (2) the traffic authority is deemed to have granted consent.

### **Felling or lopping of trees**

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

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

(2) In carrying out any activity authorised by paragraph (1), the undertaker must not cause any unnecessary damage to any tree or shrub and must pay compensation to any person for any loss or damage arising from such activity.

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(a) 2004 c. 18.

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

(4) Development consent granted by this Order must be treated as planning permission pursuant to Part 3 of the 1990 Act for the purposes of regulation 14 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012(a).

(5) The undertaker may not pursuant to paragraph (1) fell or lop a tree within or overhanging the extent of the public highway without the consent of the relevant highway authority.

### **Trees subject to Tree Preservation Orders**

**42.**—(1) The undertaker may fell or lop any tree described in Schedule 14 (trees subject to Tree Preservation Orders) and identified on the trees and hedges to be removed or affected plans, or cut back its roots, if it reasonably believes it to be necessary in order to do so to prevent the tree or shrub—

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

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

- (a) the undertaker must do no unnecessary damage to any tree or shrub and must pay compensation to any person for any damage arising from such activity; and
- (b) the duty in section 206(1) of the 1990 Act (replacement of trees) must not apply.

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

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

### **Protection of interests**

**43.** Schedule 15 (protective provisions) has effect.

### **Certification of plans etc.**

**44.**—(1) National Grid must, as soon as practicable after the making of this Order, submit to the Secretary of State copies of—

- (a) the access and rights of way plans;
- (b) the Book of Reference;
- (c) the CEMP;
- (d) the design drawings;
- (e) the Land Plans;
- (f) the Landscape Drawings;
- (g) the Public Rights of Navigation Plan;
- (h) the Traffic Regulation Plans;
- (i) the trees and hedges to be removed or affected plans; and
- (j) the Works Plans; and
- (k) the other plans and drawings in Part 10 of Schedule 2.

for certification that they are true copies of the documents referred to in this Order.

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(a) S.I. 2012/605.

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

### **Service of notices**

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

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

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

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

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

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

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

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

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

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

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

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

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

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(a) 1978 c. 30.

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

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

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

#### **Procedure regarding certain approvals etc.**

**46.**—(1) Where an application or request is submitted to a relevant planning authority, a highway authority, a street authority or the owner of a watercourse, sewer or drain for any consent, agreement or approval required or contemplated by any of the provisions of the Order such consent, agreement or approval, if given, must be given in writing.

(2) Schedule 4 (discharge of Requirements) has effect in relation to all consents, agreements or approvals granted, refused or withheld in relation to the Requirements, and any document referred to in any Requirement.

(3) The procedure set out in paragraphs 3, 4 and 5 of Schedule 4 (discharge of Requirements) has effect in relation to any other consent, agreement or approval required under this Order where such consent, agreement or approval is granted subject to any condition to which the undertaker objects, or is refused or is withheld.

#### **Amendment of local legislation**

**47.**—(1) The local enactments specified in Part 1 of Schedule 16 (amendment of local legislation), and any byelaws or other provisions made under any of those enactments, and the local byelaws specified in Part 2 of that Schedule are hereby excluded and do not apply insofar as inconsistent with a provision of, or a power conferred by, this Order.

(2) For the purpose of paragraph (1) a provision is inconsistent with the exercise of a power conferred by this Order if and insofar as (in particular)—

- (a) it would make it an offence to take action, or not to take action, in pursuance of the power;
- (b) action taken in pursuance of the power would cause the provision to apply so as to enable a person to require the taking of remedial or other action or so as to enable remedial or other action to be taken;
- (c) action taken in pursuance of a power or duty under the provision would or might interfere with the exercise of any work authorised by this Order.

(3) Where any person notifies the undertaker in writing that anything done or proposed to be done by the undertaker or by virtue of this Order would amount to a contravention of a statutory provision of local application, the undertaker must as soon as reasonably practicable, and at any rate within 14 days of receipt of the notice, respond in writing setting out—

- (a) whether the undertaker agrees that the action taken or proposed does or would contravene the provision of local application;
- (b) if the undertaker does agree, the grounds (if any) on which the undertaker believes that the provision is excluded by this article; and
- (c) the extent of that exclusion.

#### **No double recovery**

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



## **Arbitration**

49. Subject to article 46 (procedures regarding certain approvals, etc.) and except where otherwise expressly provided for in this Order or unless otherwise agreed between the parties, any difference under any provision of this Order must be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after giving notice in writing to the other) by the Secretary of State.

Signed by authority of the Secretary of State for Energy and Climate Change

*Giles Scott*

Head of National Infrastructure Consents and Coal Liabilities  
Department of Energy and Climate Change

19th January 2016

# SCHEDULES

## SCHEDULE 1

Article 2

### AUTHORISED DEVELOPMENT

A nationally significant infrastructure project as defined in sections 14 and 16 of the 2008 Act and associated development within the meaning of section 115(2) of the 2008 Act comprising—

#### *400kV OVERHEAD ELECTRIC LINE*

##### **In the District of Sedgemoor**

###### **Work No. 1A — Bridgwater Tee**

Works to construct a 400kV Teed circuit commencing on Works Plan section A, sheet 6 and terminating on Works Plan section A, sheet 5, comprising—

- (a) a temporary diversion of the southern circuit of the existing overhead electric line between pylons VQ042 and VQ045, comprising the installation of conductors and 2 temporary masts and the removal of pylons VQ043 and VQ044; and
- (b) the construction and installation of 2 pylons VQ043R and VQ044R, the installation of conductors between pylons VQ042, VQ043R and VQ044R including the installation of insulators, fittings and connections into the new cable sealing end compounds (Work No. 2A).

##### **In the District of Sedgemoor**

###### **Work No. 1B — ZGA route**

The construction and installation of a 400kV overhead electric line, including the installation of 13 pylons and the installation of conductors, insulators and fittings between pylons VQ043R and ZGA13. The route is 4.5km in length commencing on Works Plan section A, sheet 6 and terminating on Works Plan section B, sheet 2.

##### **In the District of Sedgemoor**

###### **Work No. 1C — Huntspill**

Works to construct temporary sections of a 400kV overhead electric line commencing on Works Plan section B, sheet 1 and terminating on Works Plan section B, sheet 2, comprising—

- (a) the construction and installation of a temporary diversion of the southern circuit of the existing ZG overhead electric line including the removal of pylons ZG042, ZG043 and ZG044 and the installation of 3 temporary masts and conductors between ZG041 and ZG045;
- (b) the construction and installation of a temporary circuit of overhead electric line between pylons LD2 and ZGA13, including the installation of conductors, insulators, fittings and the construction of 2 temporary pylons ZG043A and ZG043B.

### **In the District of Sedgemoor**

#### **Work No. 1D — LD route Puriton to South Mendips Cable Sealing End**

Works to construct a 400kV overhead electric line 12.8km in length commencing at the existing 400kV overhead electric line on Works Plan section B, sheet 1 and terminating at the South Mendips cable sealing end (CSE) compound on Works Plan section B, sheet 11. The electric line consists of 37 pylons and 2 full line tension (FLT) gantry structures, the installation of conductors, insulators and fittings between pylon LD1 and gantry structures LD38A and LD38B, and connections into the South Mendips CSE (Work No. 2C).

The works include installation and construction of a temporary site construction compound along the route of the overhead electric line, as shown on Works Plan section B sheet 10, containing welfare facilities, material lay down and parking areas.

### **In the District of North Somerset**

#### **Work No. 1E — LD route Sandford Substation to M5**

Works to construct a 400kV overhead electric line between full line tension (FLT) gantry structures LD39A and LD39B at Sandford 400/132kV Substation and pylon P-LD 94 north of the M5.

The route commences at gantry structures LD39A and LD39B on Works Plan section D sheet 1 and terminates at pylon P-LD 94 on Works Plan section F sheet 1.

The overhead electric line between FLT gantry structures LD39A and LD39B at Sandford 400/132kV Substation and pylon P-LD94 is 18km in length. It consists of 2 adjacent FLT gantry structures and 55 new pylons and the installation of conductors, insulators and fittings between gantry structures LD39A and LD39B and pylon P-LD94.

### **In the District of North Somerset**

#### **Work No. 1F — LD route M5 to south of River Avon**

Works to construct a 400kV overhead electric line between pylons P-LD94 and P-LD106 (4.9km in length) commencing at pylon P-LD94 on Works Plan section F sheet 1, travelling via the Portishead area to pylon P-LD106 on Works Plan section G sheet 2. It consists of 13 pylons and the installation of conductors, insulators and fittings between pylons P-LD94 and P-LD106.

### **In the District of North Somerset, the City of Bristol and the District of South Gloucestershire**

#### **Work No. 1G — LD route south of River Avon to Seabank Substation**

Works to construct a 400kV overhead electric line, between pylon P-LD106 and Seabank 400kV Substation. The route is 8.3km in length commencing at pylon P-LD106 on Works Plan section G sheet 2 and terminating at Seabank 400kV Substation on Works Plan section G sheet 7 and consists of 27 pylons and the installation of conductors, insulators and fittings.

The works include installation and construction of a temporary site compound along the route of the overhead electric line, as shown on Works Plan section G sheet 3, containing welfare facilities, material lay down and parking areas.

## 400kV UNDERGROUND CABLES

### **In the District of Sedgemoor**

#### **Work No. 2A — Bridgwater tee**

Works to construct a 400kV Tee circuit at the location shown on Works Plan section A, sheets 5 and 6, consisting of the installation of a 300m section of 400kV underground electric cable between the two Bridgwater Tee cable sealing end (CSE) compounds adjacent to pylons VQ43R and VQ44R, to include switchgear, steel support structures, and security fencing. The locations of the CSE compounds are shown on Works Plan section A, sheet 6.

The works include the construction of a permanent vehicular access to the CSE compounds and a temporary site compound containing welfare facilities, and material lay down and parking areas, as shown on Works Plan section A, sheet 5.

### **In the District of Sedgemoor and the District of North Somerset**

#### **Work No. 2B — Mendips underground cable and cable crossing**

Works to construct a 400kV underground electric cable route comprising—

- (a) the installation and construction of two 400kV underground electric cable circuits with a route length of 8.5km in length commencing at the CSE compound on Works Plan section B, sheet 11 and terminating at Sandford 400kV substation (Work No. 3A) on Works Plan section D, sheet 1;
- (b) the installation of a crossing of the River Axe shown on Works Plan section B, sheet 11. The cable circuits will cross the River Axe in the vicinity of Loxton either by—
  - (i) incorporating the cables in a specifically designed and constructed bridge to cross the watercourse; or
  - (ii) installing the cables under the watercourse using Horizontal Directional Drilling, but only one option for Work No. 2B(b) (not both) may be carried out.

The works include the installation and construction of 4 temporary site compounds along the route of the underground cable circuits containing welfare facilities, material lay down and parking areas shown on Works Plans section B, sheet 11; section C, sheets 1 and 3; and section D, sheet 1.

#### **Work No. 2C — South Mendips cable sealing end compound**

Works to construct the South Mendips cable sealing end (CSE) compound as shown on Works Plan section B, sheet 11, to include—

- (a) earthworks to provide a suitable platform for the equipment;
- (b) construction of foundations to support all new structures, plant and equipment;
- (c) installation of air insulated switchgear (AIS) and cable sealing ends;
- (d) installation of support structures;
- (e) construction of compound perimeter fence;
- (f) landscaping, gates and fencing of site boundary; and
- (g) a permanent vehicular access road.

### **In the District of Sedgemoor**

#### **Work No. 2D — Temporary project office compound**

Works to construct a temporary project office compound, at the location shown on Works Plan section B, sheet 10, to include—

- (a) temporary car parking, hard standings and roadways;
- (b) temporary offices and staff welfare portacabins;
- (c) temporary materials, tools and fuel storage areas;
- (d) temporary storage of plant and equipment;
- (e) wheel cleaning facilities;
- (f) security fencing; and
- (g) construction and security lighting.

*SANDFORD 400/132kV SUBSTATION*

**In the District of North Somerset**

**Work No. 3A — Sandford Substation**

Works to construct the Sandford 400/132kV Substation as shown on Works Plan section D, sheet 1, to include—

- (a) earthworks to provide a suitable platform for the equipment;
- (b) construction of foundations to support all new structures, plant and equipment;
- (c) installation of 2 super grid transformers (SGT) to include noise enclosures;
- (d) installation of 2 shunt reactors to include noise enclosures;
- (e) installation of air or hybrid insulated switchgear, cable sealing ends, post insulators and conductor;
- (f) installation of support structures;
- (g) installation of 2 overhead electric line landing gantries;
- (h) construction of a site drainage system including oil separator and diversion of the existing rhyne;
- (i) construction of site access roads including car parking provision;
- (j) construction of the substation perimeter fence;
- (k) installation of lamp posts for street lighting and other site furniture;
- (l) landscaping, gates and fencing of site boundary;
- (m) water storage tank;
- (n) operational and ancillary buildings;
- (o) diesel generator;
- (p) semi permanent access road for transformer deliveries including bridge over Tower Head brook; and
- (q) temporary pylon LD40A to the north of Sandford 400/132kV Substation to allow a temporary connection between FLT gantry structures LD39A and LD39B in the period before Work No. 1E is complete.

**In the District of North Somerset**

**Work No. 3B — Temporary project office compound**

Works to construct a temporary project office compound, at the location shown on Works Plan section D, sheet 1, to include—

- (a) temporary car parking, hard standings and roadways;
- (b) temporary offices and staff welfare portacabins;
- (c) temporary materials, tools and fuel storage areas;
- (d) temporary storage of plant and equipment;

- (e) wheel cleaning facilities;
- (f) security fencing; and
- (g) construction and security lighting.

#### *WPD 132kV WORKS*

#### **In the District of North Somerset**

##### **Work No. 4A — AT connection**

Works to connect Sandford 132kV Substation to the existing 132kV AT route overhead electric line comprising—

- (a) the construction and installation of a temporary diversion of the 132kV overhead electric line between pylons AT24 and AT26, including the installation of temporary conductors and the construction of a temporary mast or masts. The removal of existing pylon AT25 and associated conductors;
- (b) 132kV electricity connection 3.0km in length between the existing Western Power Distribution, AT route and Sandford 400/132kV Substation, shown on Works Plan section D, sheet 1 and 2. The connection consists of—
  - (i) 2.3km of overhead electric line including the construction of 9 new pylons and the installation of conductors, insulators and fittings commencing at pylon AT25R on Works Plan section D sheet 2 and terminating at pylon AT33 on Works Plan section D sheet 1; and
  - (ii) 700m of underground electric cables and fibre optic cable from a cable sealing end pylon AT33 to be constructed and Sandford 400/132kV Substation as shown on Works Plan section D, sheet 11; and
- (c) the removal of a 1.4km section of the AT 132kV overhead electric line between pylon AT25 and pylon F69 including the removal of 4 pylons (AT25 to AT28 inclusive) as shown on Works Plans section D, sheets 2 and 3.

The works include a temporary site compound as shown on Works Plan section D, sheet 1, containing welfare facilities, material laydown and parking areas.

#### **In the District of Sedgemoor and the District of North Somerset**

##### **Work No. 4B — F route removal**

The removal of 47.8km of the F Route 132kV overhead electric line between Bridgwater and Portishead Substation, including the removal of 177 pylons, conductors, insulators and fittings commencing at the location shown on Works Plan section A, sheet 1 and terminating at the location shown on Works Plan section F, sheet 3.

#### **In the District of North Somerset**

##### **Work No. 4C — N route connection**

Works to connect Sandford 400/132kV Substation to the existing 132kV N route overhead electric line, comprising—

- (a) the construction and installation of a temporary diversion of the 132kV overhead electric line between pylons N14 and N16, including the installation of temporary conductors and the construction of a temporary mast. The removal of existing pylon N15 and conductors. Construction of a new pylon N15R;
- (b) the construction and installation of two parallel single circuit 132kV overhead electric lines 300m in length supported by 10 wooden 'H' poles (N16A to N20A and N16B to N20B), new pylon N15R and the installation of conductors, insulators and fittings, from

the existing N route into Sandford 400/132kV Substation (Work No. 3A) as shown on Works Plan section D, sheet 1; and

- (c) the removal of an approximate 450m section of the N route overhead electric line between pylon F77 and pylon N15R, including the removal of existing pylon N16 and conductor.

### **In the District of North Somerset**

#### **Work No. 4D — W route removal and undergrounding**

Works to allow the removal of part of the 132kV W route overhead electric line and its undergrounding, comprising—

- (a) the construction and installation of a temporary diversion of the 132kV overhead electric line between pylons W37 and W35, including the installation of temporary conductors and the construction of a temporary mast, shown on Works Plan section D, sheet 11;
- (b) the installation of 10km of underground 132kV electric cables and fibre optic cables commencing at new cable sealing end pylon (W36R) on Works Plan section D, sheet 11 and terminating at Portishead 132kV substation on Works Plan section F, sheet 3;
- (c) the removal of 9.0km of the W Route 132kV overhead electric line commencing at pylon W36 shown on Works Plan section D, sheet 11, and terminating at Portishead 132kV substation on Works Plan section F, sheet 3, including the removal of 34 pylons, conductors, insulators and fittings; and
- (d) the installation and construction of 7 temporary site compounds along the route of the underground cable circuit containing welfare facilities, material lay down and parking areas shown on Works Plans section D, sheets 11 and 13, section E, sheets 1, 2 and 4 and section F, sheet 1.

### **In the District of North Somerset**

#### **Work No. 4E — Portishead 132kV substation**

The installation of cables and cable sealing ends within Portishead 132kV Substation to allow the replacement of existing overhead electric line connections into the substation with cable connections (Work No. 4D and Work No. 4P) and connections to existing equipment shown on Works Plan section F, sheet 3, to include—

- (a) construction of foundations to support cable sealing ends;
- (b) installation of support structures;
- (c) installation of cable sealing ends and busbar connections to existing equipment; and
- (d) installation of troughs and below-ground services.

### **In the District of North Somerset**

#### **Work No. 4F — Churchill 132kV Substation**

Works to allow the continued operation of Churchill 132kV Substation shown on Works Plan section D, sheet 14, to include—

- (a) the construction of a new cable sealing end pylon (Y1R);
- (b) the construction and installation of a temporary diversion of the 132kV overhead electric line between pylons Y1R and Y2, including the installation of temporary conductors and the construction of temporary masts or poles;
- (c) the removal of conductors between pylons Y1 and W69;
- (d) the removal of pylon Y1;

- (e) the construction and installation of 132kV overhead electric line and fibre optic cable between pylons W69 and N1, and pylon W69 to pylon Y2 via pylon Y1R including conductors, insulators and fittings;
- (f) the installation of 220m of underground 132kV electric cables and fibre optic cable between a cable sealing end pylon (Y1R) and Churchill 132kV substation; and
- (g) works on the existing substation compound to extend within the current WPD land ownership boundary and connections to existing equipment shown on Works Plan section D, sheet 14, to include—
  - (i) construction of foundations to support all new structures, plant and equipment;
  - (ii) installation of support structures;
  - (iii) installation of low voltage and mechanical equipment;
  - (iv) installation of electrical control panels;
  - (v) installation of air insulated switchgear between the new 132kV cable terminations and the existing substation equipment and new overhead electric line connections to the existing landing gantries;
  - (vi) installation of troughs and below-ground services; and
  - (vii) extension of the substation perimeter fence.

The works include construction and installation of a temporary site compound as shown on Works Plan section D sheet 14, containing welfare facilities, material lay down and parking areas.

#### **In the District of North Somerset and the City of Bristol**

##### **Work No. 4G — G route removal (Portishead to Avonmouth)**

The removal of 5.4km of the G Route 132kV overhead electric line between Portishead 132kV Substation, shown on Works Plan section F, sheet 3, and Avonmouth 132kV Substation, shown on Works Plan section G, sheet 4, including the removal of 21 pylons, conductors, insulators and fittings.

#### **In the City of Bristol**

##### **Work No. 4H — G route removal (Avonmouth to Pylon G32)**

The removal of 2.1km of the G Route 132kV overhead electric line between pylon G32, shown on Works Plan section G, sheet 5, and Avonmouth 132kV Substation, shown on Works Plan section G, sheet 4, including the removal of 8 pylons (G24 to G31 inclusive) conductors, insulators and fittings.

#### **In the City of Bristol**

##### **Work No. 4I — G route undergrounding**

The installation of 2.3km of underground 132kV electric cables and fibre optic cable between Avonmouth 132kV Substation on Works Plan section G, sheet 4 and cable sealing end pylon G31R shown on Works Plan section G, sheet 5.

The works include construction and installation of a temporary site compound as shown on Works Plan section G sheets 4 and 5, containing welfare facilities, material lay down and parking areas.



### **In the City of Bristol**

#### **Work No. 4J — G route**

The construction and installation of a cable sealing end pylon G31R and 230m of new overhead electric line conductors and ADSS fibre conductor, insulators and fittings between existing pylon G32 and cable sealing end pylon G31R shown on Works Plan section G, sheet 5.

### **In the City of Bristol**

#### **Work No. 4K — Avonmouth 132kV Substation**

The installation of electric cables and fibre optic cable, cable sealing ends and air insulated switchgear within Avonmouth 132kV Substation to allow the replacement of existing overhead electric line connections into the substation with cable connections (Work No. 4I) and connections to existing equipment shown on Works Plan section G, sheet 4, to include—

- (a) construction of foundations to support all new structures, plant and equipment;
- (b) installation of support structures;
- (c) installation of cable sealing ends, disconnectors and busbar connections; and
- (d) installation of troughs and below-ground services.

### **In the City of Bristol and the District of South Gloucestershire**

#### **Work No. 4L — Seabank DA route**

Works as shown on Works Plan section G, sheet 7 and inset to sheet 7, consisting of—

- (a) the construction and installation of a temporary diversion of the 132kV overhead electric line between pylons DA3 and DA1, including the installation of temporary conductors and the construction of temporary wood pole structures or masts;
- (b) the removal of pylons DA1 and DA2 and associated conductors;
- (c) the construction and installation of a cable sealing end pylon DA2R;
- (d) the construction and installation of a 132kV overhead electric line, fibre optic cable, conductors, insulators and fittings between pylons DA3 and DA2R; and
- (e) the installation of between 150m and 300m of underground 132kV cables and fibre optic cable between cable sealing end pylon DA2R and Seabank 132kV Substation.

The works include a temporary site compound for the combined Works 4L, 4M and 4N as shown on Works Plans, section G, sheets 7 and 7A, containing welfare facilities, materials laydown and parking areas.

### **In the City of Bristol**

#### **Work No. 4M — Seabank BW route**

Works as shown on Works Plan section G, sheet 7 and inset to sheet 7, to include—

- (a) the removal of pylons BW1 and BW2 and associated conductors;
- (b) the construction and installation of a cable sealing end pylon BW2R;
- (c) the construction and installation of a 132kV overhead electric line, conductors, insulators, and fittings between pylons BW3 and BW2R; and
- (d) the installation of between 250m and 300m of underground 132kV cables and fibre optic cable between cable sealing end pylon BW2R and Seabank 132kV substation.

The works include a temporary site compound for the combined Works 4L, 4M and 4N as shown on Works Plans, section G, sheets 7 and 7A, containing welfare facilities, materials laydown and parking areas.

### **In the City of Bristol**

#### **Work No. 4N — Seabank G route**

Works as shown on Works Plan section G, sheet 7 and inset to sheet 7, to include—

- (a) the removal of pylons G43 and G42 and associated conductors;
- (b) the construction and installation of a cable sealing end pylon G42R;
- (c) the construction and installation of a 132kV overhead electric line, conductors, insulators, and fittings between pylons G41 and G42R; and
- (d) the installation of between 250m and 300m of underground 132kV cables and fibre optic cable between cable sealing end pylon G42R and Seabank 132kV Substation.

The works include a temporary site compound for the combined Works 4L, 4M and 4N as shown on Works Plans, section G, sheets 7 and 7A, containing welfare facilities, materials laydown and parking areas.

### **In the City of Bristol**

#### **Work No. 4O — Seabank 132kV Substation**

Work on the existing Seabank 132kV Substation compound to extend the substation within the current WPD land ownership boundary and connections to existing equipment shown on Works Plan section G, sheet 7 and sheet 7 inset page, to include—

- (a) support structures;
- (b) low voltage and mechanical equipment;
- (c) electrical control panels;
- (d) installation of air insulated switchgear between the new 132kV cable termination and the existing substation equipment;
- (e) removal of existing overhead electric line connections;
- (f) installation of troughs and below ground services;
- (g) installation of a new control building;
- (h) an extension of the substation perimeter fence; and
- (i) modification of the existing substation perimeter fence to facilitate extension of the 400kV substation.

### **In the District of North Somerset**

#### **Work No. 4P — BW Route undergrounding south of the River Avon**

Works as shown on Works Plan section F, sheets 3 and 4, to consist of—

- (a) the construction and installation of a temporary diversion of the 132kV overhead electric line between pylons BW35 and BW37, including the installation of temporary conductors and the construction of a temporary mast;
- (b) the removal of existing pylon BW36 and associated conductors;
- (c) construction of a new cable sealing end pylon BW36R;
- (d) the construction and installation of a 132kV overhead electric line, conductors, insulators and fittings between pylons BW35 and BW36R;

- (e) the removal of pylons BW37, BW38, BW39 and approximately 600m of conductors insulators and fittings;
- (f) the installation of 650m of 132kV underground electric cables between sealing end pylons BW36R and Portishead 132kV Substation; and
- (g) the installation of fibre optic cable overhead between pylons BW35 and BW36R and underground from pylon BW36R to Portishead 132kV Substation.]

The works include a temporary site compound as shown on Works Plans, section F, sheet 4, containing welfare facilities, materials laydown and parking areas.

### *SEABANK 400kV SUBSTATION*

#### **In the City of Bristol**

##### **Work No. 5 — extension of Seabank 400kV Substation**

Works to extend the existing Seabank 400kV Substation (shown on Works Plan section G, sheet 7) to include—

- (a) construction of foundations to support all new structures and equipment;
- (b) extension to the steel framed switchgear building and annex;
- (c) installation of 5 additional bays of gas insulated switchgear;
- (d) installation of gas insulated busbar tubes;
- (e) installation of support structures;
- (f) removal of an existing 400/132kV supergrid transformer;
- (g) construction of 2 landing gantries for terminal overhead electric line connections into the substation;
- (h) installation of air insulated switchgear;
- (i) extension of the substation perimeter fence;
- (j) modifications to existing site access roads; and
- (k) installation of flood defence.

### *HINKLEY LINE ENTRIES*

Works to reconfigure 400kV overhead electric lines consisting of—

#### **In the District of West Somerset**

##### **Work No. 6A**

The construction and installation of a 400kV overhead electric line conductors, insulators and fittings, including the installation of 5 pylons (ZZ1 to ZZ5 inclusive) and the installation of new conductors between Shurton 400kV Substation, adjacent to new pylon ZZ1 and existing pylon ZZ7. The route is 1.8km in length shown on Works Plans section H, sheets 1 and 2.

#### **In the District of West Somerset**

##### **Work No. 6B**

The removal of 1.4km of overhead electric line to include 3 existing pylons (ZZ4, ZZ5 and ZZ6) and conductors between existing pylons ZG1 to ZZ4 and pylons JP4 to ZZ4 and then continuing between ZZ4 and ZZ7 as shown on Works Plans section H, sheets 1 and 2.

**In the District of West Somerset**

**Work No. 6C**

The construction and installation of a 400kV overhead electric line conductors, insulators and fittings, including the installation of 5 new pylons (VQ1, VQ2, VQ3, VQ3A, VQ3B) and the installation of new conductors between Shurton 400kV Substation, adjacent new pylon VQ1 and existing pylon VQ4. The route is 1.7km in length as shown on Works Plans section H, sheets 1 and 2.

**In the District of West Somerset**

**Work No. 6D**

The removal of 900m of overhead electric line to include 3 existing pylons (VQ1, VQ2 and VQ3) and conductors between cable sealing end pylon VQ1 and existing pylon VQ4 as shown on Works Plans section H, sheets 1 and 2.

**In the District of West Somerset**

**Work No. 6E**

The construction and installation of a 400kV overhead electric line conductors, insulators and fittings, including the installation of 3 new pylons (JP1, JP2 and JP3) and the installation of new conductors between ZG1 and JP3, JP6 and JP3 and from JP3 to JP1, including downlead connections. The route is 1km in length as shown on Works Plans section H, sheets 1 and 2.

*OTHER ASSOCIATED DEVELOPMENT*

Such associated development not listed above, within the Order limits, as may be necessary or expedient for the purposes of or in connection with the construction or maintenance of the above Work Nos. or any of them consisting of—

- (a) ramps, means of access, footpaths, bridleways, trackways and pontoons;
- (b) embankment, bridge, aprons, abutments, foundations, retaining walls, drainage, wing walls, fencing and culverts;
- (c) works to alter the position of apparatus, including mains, sewers, drains and cables;
- (d) works to alter the course of, or otherwise interfere with a watercourse;
- (e) landscaping and other works to mitigate any adverse effects of the construction, maintenance or operation of the authorised development;
- (f) works for the benefit or protection of land affected by the authorised development;
- (g) works required for the strengthening, improvement, maintenance, or reconstruction of any streets;
- (h) works to alter or remove road furniture;
- (i) site preparation works, site clearance (including fencing, vegetation removal, demolition of existing structures and the creation of alternative footpaths); earthworks (including soil stripping and storage, site levelling);
- (j) establishment of site construction compounds, temporary offices, temporary vehicle parking, construction fencing, perimeter enclosure, security fencing, construction related buildings, welfare facilities, construction and security lighting and haulage roads; and
- (k) installation of wires, cables, ducts, pipes and conductors.

## SCHEDULE 2

Article 2

### PART 1

#### ACCESS AND RIGHTS OF WAY PLANS

<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Key Plan for Access and Rights of Way Plans (Regulation 5(2)(k)) – Section A	13/NG/0021 – A/AR/KP/1	C
Access and Rights of Way Plans (Regulation 5(2)(k)) – Section A	13/NG/0022 – A/AR/PS/1–6	C
Key Plan for Access and Rights of Way Plans (Regulation 5(2)(k)) – Section B	13/NG/0040 – B/AR/KP/1	C
Access and Rights of Way Plans (Regulation 5(2)(k)) – Section B	13/NG/0041 – B/AR/PS/1–14	D
Key Plan for Access and Rights of Way Plans (Regulation 5(2)(k)) – Section C	13/NG/0059 – C/AR/KP/1	C
Access and Rights of Way Plans (Regulation 5(2)(k)) – Section C	13/NG/0060 – C/AR/PS/1–5	C
Key Plan for Access and Rights of Way Plans (Regulation 5(2)(k)) – Section D	13/NG/0078 – D/AR/KP/1	C
Access and Rights of Way Plans (Regulation 5(2)(k)) – Section D	13/NG/0079 – D/AR/PS/1–15	D
Key Plan for Access and Rights of Way Plans (Regulation 5(2)(k)) – Section E	13/NG/0097 – E/AR/KP/1	C
Access and Rights of Way Plans (Regulation 5(2)(k)) – Section E	13/NG/0098 – E/AR/PS/1–4	D
Key Plan for Access and Rights of Way Plans (Option B Only) (Regulation 5(2)(k)) – Section F	13/NG/0400 – F/AR(B)/KP/1	A
Access and Rights of Way Plans (Option B Only) (Regulation 5(2)(k)) – Section F	13/NG/0471 – F/AR(B)/PS/1–4	A
Key Plan for Access and Rights of Way Plans (Option B Only) (Regulation 5(2)(k)) – Section G	13/NG/0472 – G/AR(B)/KP/1	A
Access and Rights of Way Plans (Option B Only) (Regulation 5(2)(k)) – Section G	13/NG/0473 – G/AR(B)/PS/1–7	B
Key Plan for Access and Rights of Way Plans (Regulation 5(2)(k)) – Section H	13/NG/0154 – H/AR/KP/1	C
Access and Rights of Way Plans (Regulation 5(2)(k)) – Section H	13/NG/0155 – H/AR/PS/1–2	D

**PART 2**  
**DESIGN DRAWINGS**

**(a) Permanent Structures**

<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Key Plan for Detailed Design Drawings Regulation 5(2)(o)	13/NG/0200 – DKP/1	B
South Mendips 400kV Double Circuit Cable Sealing End Compound (T-Pylon) General Arrangement Plan And Elevations	13/NG/0201 – (MMD-322069-E-DR-400UG-XX-0501) Pins Sheet 1 of 70	B
Bridgwater T 400kV Single Circuit Cable Sealing End Compound Typical General Arrangement Plan And Elevations	13/NG/0203 – (MMD-322069-E-DR-400UG-XX-0511) Pins Sheet 2 of 70	B
400kV Underground Cable Installation Typical Direct Buried Details & Construction Swathe General Arrangement	13/NG/0204 – (MMD-322069-E-DR-400UG-XX-0600) Pins Sheet 3 of 70	C
400kV Underground Cable Installation Typical General Arrangement at Open Cut Road Crossings	13/NG/0205 – (MMD-322069-E-DR-400UG-XX-0601) Pins Sheet 4 of 70	A
400kV Underground Cable Installation Typical General Arrangement at Ditch Crossing	13/NG/0206 – (MMD-322069-E-DR-400UG-XX-0602) Pins Sheet 5 of 70	A
400kV Underground Cable Installation Typical Services Crossing Detail & General Arrangement	13_NG_0237 – (MMD-322069-E-DR-400UG-XX-0603) Pins Sheet 6 of 70	A
400kV Underground Cable Installation Typical General Arrangement of Joint Bay With Link Box Pillar	13/NG/0207 – (MMD-322069-E-DR-400UG-XX-0700) Pins Sheet 7 of 70	B
River Axe Cable Bridge Elevation and Cross Section	13_NG_0244 – (MMD-322069-C-DR-400UG-XX-0900) Pins Sheet 12 of 70	A
River Axe Cable Bridge Plan and Elevation Of Ramp	13_NG_0244 – (MMD-322069-C-DR-400UG-XX-0901) Pins Sheet 13 of 70	A
River Axe Cable Bridge Combined Cross Section of Temporary and Permanent Bridges	13_NG_0244 – (MMD-322069-C-DR-400UG-XX-0902) Pins Sheet 14 of 70	A
Towerhead Brook Cable Crossing Elevation And Cross Section (Culvert Option)	13_NG_0245 – (MMD-322069-C-DR-400UG-XX-0910) Pins Sheet 16 of 70	A
Towerhead Brook Cable Crossing Plan and Elevation Of Ramp (Culvert Option)	13_NG_0245 – (MMD-322069-C-DR-400UG-XX-0911) Pins Sheet 17 of 70	A
Towerhead Brook Cable Crossing Elevation and Cross Section (Bridge Option)	13_NG_0246 – (MMD-322069-C-DR-400UG-XX-0912) Pins Sheet 18 of 70	A
Towerhead Brook Cable Crossing Plan And Elevation of Ramp (Bridge Option)	13_NG_0246 – (MMD-322069-C-DR-400UG-XX-0913) Pins Sheet 19 of 70	A
132kV Underground Cable Installation Typical Direct Buried Details & Construction Swathe General Arrangement	13_NG_0240 – (MMD-322069-E-DR-WPD-XX-0600) Pins Sheet 20 of 70	A

<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
132kV Underground Cable Installation Typical General Arrangement at Open Cut Road Crossings	13_NG_0241 – (MMD-322069-E-DR-WPD-XX-0601) Pins Sheet 21 of 70	A
132kV Underground Cable Installation Typical General Arrangement at Ditch Crossing	13_NG_0242 – (MMD-322069-E-DR-WPD-XX-0602) Pins Sheet 22 of 70	A
132kV Underground Cable Installation Typical Services Crossing Detail & General Arrangement	13_NG_0243 –(MMD-322069-E-DR-WPD-XX-0603) Pins Sheet 23 of 70	A
132kV Underground Cable Installation Typical General Arrangement at GPSS (Government Pipeline and Storage System) Crossing	13_NG_0239 – (MMD-322069-E-DR-WPD-XX-0606) Pins Sheet 24 of 70	A
132kV Underground Cable Installation Typical General Arrangement of Joint Bay with Link Box Pit	13_NG_0215 – (MMD-322069-E-DR-WPD-XX-0700) Pins Sheet 25 of 70	A
Sandford 400kV/132kV Substation Site Plan	13/NG/0251 – N044/22/012 Pins Sheet 30 of 70	B
Sandford 400kV/132kV Substation Site Elevations	13/NG/0252 – N044/22/013 Pins Sheet 31 of 70	B
Seabank 400kV/132kV Substation Site Plan New Equipment	13/NG/0254 – N056/22/006 Pins Sheet 32 of 70	B
Seabank 400kV/132kV Substation Site Plan Equipment To Be Removed	13/NG/0253 – N056/22/006 Pins Sheet 33 of 70	B
Seabank 400kV/132kV Substation Site Elevations	13/NG/0255 – N056/22/004 Pins Sheet 34 of 70	B
Churchill 132kV Substation Site Plan	13/NG/0259 – A110181 Pins Sheet 35 of 70	B
Churchill 132kV Substation Site Elevations	13/NG/0260 – A110182 Pins Sheet 36 of 70	B
Avonmouth 132kV Substation Site Plan	13/NG/0261 – A110184 Pins Sheet 37 of 70	B
Avonmouth 132kV Substation Site Elevations	13/NG/0262 – A110186 Pins Sheet 38 of 70	B
Portishead 132kV Substation Site Plan	13/NG/0263 – A110188 Pins Sheet 39 of 70	B
Portishead 132kV Substation Site Elevations	13/NG/0264 – A110190 Pins Sheet 40 of 70	B
400kV OHL Sections Route Reference LD Hinkley – Sandford/Seabank Pylons LD1–LD10	13/NG/0271 – 01_13205_84 Sheet 1 Pins Sheet 41 of 70	B
400kV OHL Sections Route Reference LD Hinkley – Sandford/Seabank Pylons LD10–LD17	13/NG/0271 – 01_13205_84 Sheet 2 Pins Sheet 42 of 70	B
400kV OHL Sections Route Reference LD Hinkley – Sandford/Seabank Pylons LD17–LD26	13/NG/0271 – 01_13205_84 Sheet 3 Pins Sheet 43 of 70	B
400kV OHL Sections Route Reference LD Hinkley – Sandford/Seabank Pylons LD26–LD35	13/NG/0271 – 01_13205_84 Sheet 4 Pins Sheet 44 of 70	B
400kV OHL Sections Route Reference LD Hinkley – Sandford/Seabank	13/NG/0271 – 01_13205_84 Sheet 5 Pins Sheet 45 of 70	B

<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Pylons LD35–LD43		
400kV OHL Sections Route Reference LD Hinkley – Sandford/Seabank Pylons LD43–LD52	13/NG/0271 – 01_13205_84 Sheet 6 Pins Sheet 46 of 70	B
400kV OHL Sections Route Reference LD Hinkley – Sandford/Seabank Pylons LD52–LD61	13/NG/0271 – 01_13205_84 Sheet 7 Pins Sheet 47 of 70	B
400kV OHL Sections Route Reference LD Hinkley – Sandford/Seabank Pylons L61–LD70	13/NG/0271 – 01_13205_84 Sheet 8 Pins Sheet 48 of 70	B
400kV OHL Sections Route Reference LD Hinkley – Sandford/Seabank Pylons LD70–LD79	13/NG/0271 – 01_13205_84 Sheet 9 Pins Sheet 49 of 70	B
400kV OHL Sections Route Reference LD Hinkley – Sandford/Seabank Pylons LD79–LD86	13/NG/0271 – 01_13205_84 Sheet 10 Pins Sheet 50 of 70	B
400kV OHL Sections Route Reference LD Hinkley – Sandford/Seabank Pylons LD86–LD94	13/NG/0271 – 01_13205_84 Sheet 11 Pins Sheet 51 of 70	B
400kV OHL Sections Route Reference LD Hinkley – Sandford/Seabank Pylons LD106–LD117	13/NG/0271 – 01_13205_84 Sheet 13 Pins Sheet 53 of 70	B
400kV OHL Sections Route Reference LD Hinkley – Sandford/Seabank Pylons LD106–LD117	13/NG/0271 – 01_13205_84 Sheet 13 Pins Sheet 53 of 70	C
400kV OHL Sections Route Reference LD Hinkley – Sandford/Seabank Pylons LD117–LD125	13/NG/0271 – 01_13205_84 Sheet 14 Pins Sheet 54 of 70	B
400kV OHL Sections Route Reference LD Hinkley – Sandford/Seabank Pylons LD125–LD132	13/NG/0271 – 01_13205_84 Sheet 15 Pins Sheet 55 of 70	B
400kV OHL Sections Route Reference P-LD Hinkley – Sandford/Seabank (Portishead – Option B) Pylons LD93–P-LD101	13/NG/0271 – 01_13205_85 Sheet 1 Pins Sheet 56 of 70	B
400kV OHL Sections Route Reference P-LD Hinkley – Sandford/Seabank (Portishead – Option B) Pylons LD101–P-LD106	13/NG/0271 – 01_13205_85 Sheet 2 Pins Sheet 57 of 70	B
400kV OHL Sections Route Reference ZGA Bridgwater – Melksham/Shurton Pylons VQ043R–ZGA7	13/NG/0272 – 01_13205_83 Sheet 1 Pins Sheet 58 of 70	B
400kV OHL Sections Route Reference ZGA Bridgwater – Melksham/Shurton Pylons ZGA7–ZGA13	13/NG/0272 – 01_13205_83 Sheet 2 Pins Sheet 59 of 70	B
400kV OHL Sections Route Reference ZZ Shurton – Taunton Pylons ZZ1–ZZ7	13/NG/0273 – 01_13205_82 Pins Sheet 60 of 70	B
400kV OHL Sections Route Reference VQ Bridgwater – Melksham/Shurton Pylons VQ1 – VQ4	13/NG/0274 – 01_13205_81 Pins Sheet 61 of 70	B
400kV OHL Sections Route Reference JP Hinkley	13/NG/0275 – 01_13205_80	B



<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
– Shurton Interconnector Pylons JP1–JP6/ZG1	Pins Sheet 62 of 70	
132kV and 400kV Pylon Outlines	13/NG/0280 – 15_13205_50 Pins Sheet 63 of 70	D
132kV OHL Sections Route Reference: AT – Weston to Sandford	13/NG/0276 – 01_12342_61 Pins Sheet 64 of 70	B
132kV OHL Sections Route Reference: DA – Seabank to Iron Acton G – Avonmouth to Seabank W – Portishead to Churchill	13/NG/0277 – 01_12342_59 Pins Sheet 65 of 70	B
132kV OHL Sections Route Reference: BW – Seabank to Portishead	13/NG/0278 – 01_12342_60 Pins Sheet 66 of 70	B
132kV OHL Sections Route Reference: N – Churchill to Sandford	13/NG/0279 – 01_12342_62 Pins Sheet 67 of 70	B
132kV OHL Sections Route Reference: W – Portishead to Radstock Y – Churchill to Radstock	13/NG/0281 – 01_12342_63 Pins Sheet 68 of 70	B
Churchill 132kV Substation 132kV Overhead Line and Cable Entries	13/NG/0282 – 28_12342_80 Pins Sheet 69 of 70	A
Seabank 400kV/132kV Substation 132kV Overhead Line and Cable Entries	13/NG/0283 – 28_12342_81 Pins Sheet 70 of 70	A

**(b) Temporary Structures**

<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
400kV Underground Cable Installation Typical General Arrangement of Cable Pulling Location	13_NG_0208 – (MMD-322069- E-DR-400UG-XX-0701) Pins Sheet 8 of 70	B
Typical 400kV Compound – General Arrangement	13_NG_0209 – (MMD-322069- E-DR-400UG-XX-0800) Pins Sheet 9 of 70	B
Typical Site Laydown Area General Arrangement – 400kV Satellite Compound	13_NG_0209 – (MMD-322069- E-DR-400UG-XX-0804) Pins Sheet 10 of 70	A
Typical 400kV Compound Including Test Equipment – General Arrangement	13_NG_0209 – (MMD-322069- E-DR-400UG-XX-0802) Pins Sheet 11 of 70	A
Typical Temporary Bridge	13_NG_0225 – (MMD-322069- C-DR-GEN-XX-0007) Pins Sheet 15 of 70	B
132kV Underground Cable Installation Typical General Arrangement of Cable Pulling Location	13_NG_0216 – (MMD-322069- E-DR-WPD-XX-0701) Pins Sheet 26 of 70	A
Typical 132kV Compound – General Arrangement	13_NG_0212 – (MMD-322069- E-DR-400UG-XX-0800) Pins Sheet 27 of 70	B
Typical 132kV Satellite Compound – General Arrangement	13/NG/0212 – (MMD-322069-E- DR-WPD-XX-0801) Pins Sheet 28 of 70	A
Typical 132kV Compound Including Test Equipment– General Arrangement	13_NG_0212 – (MMD-322069- E-DR-400UG-XX-0802) Pins Sheet 29 of 70	A

**PART 3**  
**LAND PLANS**

<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Key Plan for Land Plans (Regulation 5(2)(i)(ii) & (iii) – Section A	13/NG/0013 – A/LP/KP/1	B
Land Plans (Regulation 5(2)(i)(ii) & (iii) – Section A	13/NG/0014 – A/LP/PS/1–6	C
Key Plan for Land Plans (Regulation 5(2)(i)(ii) & (iii) – Section B	13/NG/0032 – B/LP/KP/1	B
Land Plans (Regulation 5(2)(i)(ii) & (iii) – Section B	13/NG/0033 – B/LP/PS/1–11	E
Key Plan for Land Plans (Regulation 5(2)(i)(ii) & (iii) – Section C	13/NG/0051 – C/LP/KP/1	B
Land Plans (Regulation 5(2)(i)(ii) & (iii) – Section C	13/NG/0052 – C/LP/PS/1–4	C
Key Plan for Land Plans (Regulation 5(2)(i)(ii) & (iii) – Section D	13/NG/0070 – D/LP/KP/1	C
Land Plans (Regulation 5(2)(i)(ii) & (iii) – Section D	13/NG/0071 – D/LP/PS/1–14	E
Key Plan for Land Plans (Regulation 5(2)(i)(ii) & (iii) – Section E	13/NG/0089 – E/LP/KP/1	B
Land Plans (Regulation 5(2)(i)(ii) & (iii) – Section E	13/NG/0090 – E/LP/PS/1–4	D
Key Plan for Land Plans (Option B Only) (Regulation 5(2)(i)(ii) & (iii) – Section F	13/NG/0370 – F/LP(B)/KP/1	A
Land Plans (Option B Only) (Regulation 5(2)(i)(ii) & (iii) – Section F	13/NG/0371 – F/LP(B)/PS/1–4	B
Key Plan for Land Plans (Option B Only) (Regulation 5(2)(i)(ii) & (iii) – Section G	13/NG/0372 – G/LP(B)/KP/1	A
Land Plans (Option B Only) (Regulation 5(2)(i)(ii) & (iii) – Section G	13/NG/0373 – G/LP(B)/PS/1–7	B
Key Plan for Land Plans (Regulation 5(2)(i)(ii) & (iii) – Section H	13/NG/0146 – H/LP/KP/1	B
Land Plans (Regulation 5(2)(i)(ii) & (iii) – Section H	13/NG/0147 – H/LP/PS/1–2	E

**PART 4**  
**PUBLIC RIGHTS OF NAVIGATION PLAN**

<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Key Plan for Public Rights of Navigation Plan (Option B Only) (Regulation 5(2)(k)) – Section G	13/NG/0520 – G/NP(B)/KP/1	A
Public Rights of Navigation Plan (Option B Only) (Regulation 5(2)(k)) – Section G	13/NG/0521 – G/NP(B)/PS/1	A

## PART 5

### SPECIAL CATEGORY LAND AND CROWN LAND PLANS

<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Master Key Plan for Special Category Land Plans (Regulation 5(2)(i)(iv)) & Crown Land Plans (Regulation 5(2)(n))	13/NG/0351/MKP – SC/1	A
Key Plan for Special Category Land Plans (Regulation 5(2)(i)(iv)) & Crown Land Plans (Regulation 5(2)(n)) – Section A	13/NG/0017 – A/SC/KP/1	C
Special Category Land Plans (Regulation 5(2)(i)(iv)) & Crown Land Plans (Regulation 5(2)(n)) – Section A	13/NG/0018 – A/SC/PS/1–2	C
Key Plan for Special Category Land Plans (Regulation 5(2)(i)(iv)) & Crown Land Plans (Regulation 5(2)(n)) – Section B	13/NG/0036 – B/SC/KP/1	B
Special Category Land Plans (Regulation 5(2)(i)(iv)) & Crown Land Plans (Regulation 5(2)(n)) – Section B	13/NG/0037 – B/SC/PS/1–2	C
Key Plan for Special Category Land Plans (Regulation 5(2)(i)(iv)) & Crown Land Plans (Regulation 5(2)(n)) – Section D	13/NG/0074 – D/SC/KP/1	C
Special Category Land Plans (Regulation 5(2)(i)(iv)) & Crown Land Plans (Regulation 5(2)(n)) – Section D	13/NG/0075-D/ SC/PS/1–2	C
Key Plan for Special Category Land Plans (Regulation 5(2)(i)(iv)) & Crown Land Plans (Regulation 5(2)(n)) – Section E	13/NG/0093 – E/SC/KP/1	B
Special Category Land Plans (Regulation 5(2)(i)(iv)) & Crown Land Plans (Regulation 5(2)(n)) – Section E	13/NG/0094-E/ SC/PS/1–2	C
Key Plan for Special Category Land Plans (Regulation 5(2)(i)(iv)) & Crown Land Plans (Option B Only) (Regulation 5(2)(n)) – Section F	13/NG/0526 – F/SC(B)/KP/1	A
Special Category Land Plans (Regulation 5(2)(i)(iv)) & Crown Land Plans (Option B Only) (Regulation 5(2)(n)) – Section F	13/NG/0527 – F/SC(B)/PS/1–3	B
Key Plan for Special Category Land Plans (Regulation 5(2)(i)(iv)) & Crown Land Plans (Option B Only) (Regulation 5(2)(n)) – Section G	13/NG/0528 – G/SC(B)/KP/1	A
Special Category Land Plans (Regulation 5(2)(i)(iv)) & Crown Land Plans (Option B Only) (Regulation 5(2)(n)) – Section G	13/NG/0529 – G/SC(B)/PS/1–3	B
Key Plan for Special Category Land Plans (Regulation 5(2)(i)(iv)) & Crown Land Plans (Regulation 5(2)(n)) – Section H	13/NG/0150 – H/SC/KP/1	C
Special Category Land Plans (Regulation 5(2)(i)(iv)) & Crown Land Plans (Regulation 5(2)(n)) – Section H	13/NG/0151 – H/SC/PS/1–2	D

**PART 6**  
**TRAFFIC REGULATION PLANS**

<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Key Plan for Traffic Regulation Plans (Regulation 5(2)(k) and (o)) – Section A	13/NG/0333 – A/TM/KP/1	A
Traffic Regulation Plans (Regulation 5(2)(k) and (o)) – Section A	13/NG/0334 – A/TM/PS/1–2	A
Key Plan for Traffic Regulation Plans (Regulation 5(2)(k) and (o)) – Section B	13/NG/0335 – B/TM/KP/1	A
Traffic Regulation Plans (Regulation 5(2)(k) and (o)) – Section B	13/NG/0336 – B/TM/PS/1–10	A
Key Plan for Traffic Regulation Plans (Regulation 5(2)(k) and (o)) – Section C	13/NG/0337 – C/TM/ KP/1	A
Traffic Regulation Plans (Regulation 5(2)(k) and (o)) – Section C	13/NG/0338 – C/TM/PS/1–4	A
Key Plan for Traffic Regulation Plans (Regulation 5(2)(k) and (o)) – Section D	13/NG/0339 – D/TM/KP/1	A
Traffic Regulation Plans (Regulation 5(2)(k) and (o)) – Section D	13/NG/0340 – D/TM/PS/1–10	A
Key Plan for Traffic Regulation Plans (Regulation 5(2)(k) and (o)) – Section E	13/NG/0341 – E/TM/KP/1	A
Traffic Regulation Plans (Regulation 5(2)(k) and (o)) – Section E	13/NG/0342 – E/TM/PS/1–2	A
Key Plan for Traffic Regulation Plans (Regulation 5(2)(k) and (o)) – Section F	13/NG/0343 – F/TM/KP/1	A
Traffic Regulation Plans (Regulation 5(2)(k) and (o)) – Section F	13/NG/0344 – F/TM/PS/1–4	A
Key Plan for Traffic Regulation Plans (Option B Only) (Regulation 5(2)(k) and (o)) – Section G	13/NG/0516 – G/TM(B)/KP/1	A
Traffic Regulation Plans (Option B Only) (Regulation 5(2)(k) and (o)) – Section G	13/NG/0517 – G/TM(B)/PS/1–6	A
Key Plan for Traffic Regulation Plans (Regulation 5(2)(k) and (o)) – Section H	13/NG/0347 – H/TM/KP/1	B
Traffic Regulation Plans (Regulation 5(2)(k) and (o)) – Section H	13/NG/0348 – H/TM/PS/1–2	B

**PART 7**  
**TREES AND HEDGES TO BE REMOVED OR AFFECTED PLANS**

<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Key Plan for Trees and Hedges to be Removed or Affected Plans (Regulation 5(2)(o)) – Section A	13/NG/0027 – A/TR/KP/1	B
Trees and Hedges to be Removed or Affected Plans (Regulation 5(2)(o)) – Section A	13/NG/0028 – A/TR/PS/1–3	B
Key Plan for Trees and Hedges to be Removed or Affected Plans (Regulation 5(2)(o)) – Section B	13/NG/0046 – B/TR/KP/1	B
Trees and Hedges to be Removed or Affected Plans (Regulation 5(2)(o)) – Section B	13/NG/0047 – B/TR/PS/1–10	E
Key Plan for Trees and Hedges to be Removed or Affected Plans (Regulation 5(2)(o)) – Section C	13/NG/0065 – C/TR/KP/1	B

<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Trees and Hedges to be Removed or Affected Plans (Regulation 5(2)(o)) – Section C	13/NG/0066 – C/TR/PS/1–4	D
Key Plan for Trees and Hedges to be Removed or Affected Plans (Regulation 5(2)(o)) – Section D	13/NG/0084 – D/TR/KP/1	B
Trees and Hedges to be Removed or Affected Plans (Regulation 5(2)(o)) – Section D	13/NG/0085 – D/TR/PS/1–14	E
Key Plan for Trees and Hedges to be Removed or Affected Plans (Regulation 5(2)(o)) – Section E	13/NG/0103 – E/TR/KP/1	B
Trees and Hedges to be Removed or Affected Plans (Regulation 5(2)(o)) – Section E	13/NG/0104 – E/TR/PS/1–4	E
Key Plan for Trees and Hedges to be Removed or Affected Plans (Option B Only) (Regulation 5(2)(o)) – Section F	13/NG/0494 – F/TR(B)/KP/1	A
Trees and Hedges to be Removed or Affected Plans (Option B Only) (Regulation 5(2)(o)) – Section F	13/NG/0495 – F/TR(B)/PS/1–4	A
Key Plan for Trees and Hedges to be Removed or Affected Plans (Option B Only) (Regulation 5(2)(o)) – Section G	13/NG/0496 – G/TR(B)/KP/1	A
Trees and Hedges to be Removed or Affected Plans (Option B Only) (Regulation 5(2)(o)) – Section G	13/NG/0497 – G/TR(B)/PS/1–7	C
Trees and Hedges to be Removed or Affected Plan – Alternative Sheet 3 (Raised Pylons) (Regulation 5(2)(o)) – Section G	13/NG/0530 – G/TR/PS/ALT3	A
Key Plan for Trees and Hedges to be Removed or Affected Plans (Regulation 5(2)(o)) – Section H	13/NG/0160 – H/TR/KP/1	B
Trees and Hedges to be Removed or Affected Plans (Regulation 5(2)(o)) – Section H	13/NG/0161 – H/TR/PS/1–2	B

## PART 8 WORKS PLANS

<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Key Plan for Works Plans (Regulation 5(2)(j)) – Section A	13/NG/0011 – A/WP/KP/1	B
Works Plans (Regulation 5(2)(j)) – Section A	13/NG/0012 – A/WP/PS/1–6	C
Key Plan for Works Plans (Regulation 5(2)(j)) – Section B	13/NG/0030 – B/WP/KP/1	B
Works Plans (Regulation 5(2)(j)) – Section B	13/NG/0031 – B/WP/PS/1–11	C
Key Plan for Works Plans (Regulation 5(2)(j)) – Section C	13/NG/0049 – C/WP/KP/1	B
Works Plans (Regulation 5(2)(j)) – Section C	13/NG/0050 – C/WP/PS/1–4	C
Key Plan for Works Plans (Regulation 5(2)(j)) – Section D	13/NG/0068 – D/WP/KP/1	B
Works Plans (Regulation 5(2)(j)) – Section D	13/NG/0069 – D/WP/PS/1–14	D
Key Plan for Works Plans (Regulation 5(2)(j)) – Section E	13/NG/0087 – E/WP/KP/1	B
Works Plans (Regulation 5(2)(j)) – Section E	13/NG/0088 – E/WP/PS/1–4	C
Key Plan for Works Plans (Option B Only) (Regulation 5(2)(j)) – Section F	13/NG/0384 – F/WP(B)/KP/1	A

<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Works Plans (Option B Only) (Regulation 5(2)(j)) – Section F	13/NG/0385 – F/WP(B)/PS/1–4	A
Key Plan for Works Plans (Option B Only) (Regulation 5(2)(j)) – Section G	13/NG/0386 – G/WP(B)/KP/1	A
Works Plans (Option B Only) (Regulation 5(2)(j)) – Section G	13/NG/0387 – G/WP(B)/PS/1–7	A
Key Plan for Works Plans (Regulation 5(2)(j)) – Section H	13/NG/0144 – H/WP/KP/1	B
Works Plans (Regulation 5(2)(j)) – Section H	13/NG/0145 – H/WP/PS/1–2	C

**PART 9**  
**LANDSCAPE DRAWINGS**

<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Bridgwater Tee Cable Sealing End Compounds – Landscape Mitigation and Detailed Planting Plans	Environmental Statement Document 5.7.3.14A, Figures 7.32.1 to 7.32.4	B
South of Mendip Hills Cable Sealing End Compound – Landscape Mitigation and Detailed Planting Plans	Environmental Statement Document 5.7.3.14A, Figures 7.33.1 to 7.33.5	B
River Axe Cable Bridge Option – Landscape Mitigation and Detailed Planting Plan	Environmental Statement Document 5.7.3.14A, Figure 7.34.1	B
Sandford Substation – Landscape Mitigation Phasing and Detailed Planting Plans	Environmental Statement Document 5.7.3.14A, Figures 7.35.1 to 7.35.6	B
Towerhead Brook Bridge – Landscape Mitigation and Detailed Planting Plan	Environmental Statement Document 5.7.3.14A, Figure 7.36.1	B

**PART 10**  
**OTHER PLANS AND DRAWINGS**

<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Location Plan Regulation 5(2)(o)	13/NG/0199 – LOC/1	B
Master Key to section Identification (Regulation 5(2)(o))	13/NG/0010 – MKP/1	B
St Anthony’s Park Enhanced Mitigation Plan	MMD-322-069-C-SK-GRoute- XX-0001	

## SCHEDULE 3

Article 3

### REQUIREMENTS

#### Interpretation

1.—(1) In this Schedule unless the context requires otherwise—

“advance planting” means the installation and maintenance of embedded landscape or replacement planting as soon as practicable after the Order has been made, unless otherwise specified timescales apply as set out in the Requirements, to achieve screening for construction activities or to expedite its function for mitigation and enhancement in sensitive areas;

“Archaeological Method Statements” means the detailed method statements prepared in accordance with the measures set out in the Archaeological Written Scheme of Investigation;

“commence” means the carrying out of a material operation, as defined in section 155 of the 2008 Act (when development begins), comprised in or carried out for the purposes of the authorised development, but does not include any engineering investigation, environmental (including archaeological) investigation and monitoring, site or soil survey, environmental mitigation measures, erection of temporary amphibian fencing, erection of stock fencing to site boundaries or demarcation fencing marking out site boundaries;

“Design Approach to Site Specific Infrastructure” means Document 8.32 and is applicable to all site specific infrastructure;

“Drainage Management Plan” means a plan prepared in accordance with Requirement 17 (surface water drainage) and the principles set out in sections 3.4 and 3.5 of the CEMP;

“Emergency Response Plan for Flood Events” means the plan detailing emergency procedures in the event of a flood as outlined in section 3.5 of the CEMP;

“exceptional circumstances” means an event that causes a delay to the transit of an HGV caused by—

- (a) an incident that disrupts the normal operation of the highway network or results in the closure of the highway network;
- (b) a breakdown of a HGV en-route to the authorised development;
- (c) inclement weather that disrupts the normal operation of the highway network; or
- (d) activities reasonably required for emergency purposes to include a health and safety incident and emergency flood protection works;

“HGV” means any vehicle exceeding a maximum gross weight of 7.5 tonnes gross required for the construction of the authorised development but excluding any vehicles transporting abnormal indivisible loads;

“Joint Councils” means Bristol City Council, North Somerset Council, Sedgemoor District Council, Somerset County Council, South Gloucester Council and West Somerset Council acting together.

“LGV” means a car, van, 4 x 4 pick up, 4 x 4 transit van or welfare van as set out in Table 2.1 of the Construction Traffic Management Plan;

“Lighting Scheme” means the scheme prepared in accordance with Requirement 8 (control of artificial light emissions) and in accordance with section 2.6 of the CEMP;

“Pollution Incident Control Plan” means the plan detailing remedial measures in the event of an incident and in accordance with section 1.13 of the CEMP;

“Project Environmental Management Plan” means the plan detailing environmental mitigation measures to be implemented during each stage of the construction of the authorised development and in accordance with the CEMP;

“relevant drainage authority” means, in any given Requirement, the relevant drainage authority for the area to which the Requirement relates;

“Riverview Farm Traffic Management Plan” means a plan for the provision of construction mitigation measures at Riverview Farm, Factory Lane, Bason Bridge, TA9 4RN;

“Site Waste Management Plan” means the detailed plan for the collection, segregation, treatment and disposal of waste prepared in accordance with the measures set out in the Waste Management Plan;

“Soil Management Plan” means the plan prepared in accordance with section 3.3.13 of the CEMP describing how works must be undertaken to minimise effects on the nature and quality of soil; and

“stage” means a defined section or part of the authorised development, the extent of which is shown in a scheme submitted to and approved by the relevant planning authority pursuant to Requirement 4.

“Tree and Hedgerow Protection Strategy” means the strategy prepared in accordance with Requirement 12 (retention and protection of existing trees and hedgerows).

(2) Where an approval is required under the terms of any Requirement or a document referred to in a Requirement, or any Requirement specifies “unless otherwise approved” or “unless otherwise agreed” by the relevant highway authority or the relevant planning authority such approval or agreement may only be given in relation to minor or immaterial changes where it has been demonstrated to the satisfaction of the relevant highway authority or the relevant planning authority that the subject matter of the approval or agreement sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the Environmental Statement.

(3) Where any Requirement which requires the authorised development to be carried out in accordance with the details approved by the relevant highway authority or by the relevant planning authority, the approved details are to be taken to include any amendments that may subsequently be approved in writing by the relevant highway authority or by the relevant planning authority.

### **Time limits**

2. The authorised development must be commenced within 8 years of the date of this Order.

### **Design drawings**

3.—(1) The authorised development must be carried out in general accordance with the design drawings.

(2) The authorised development will not be in general accordance with the design drawings to the extent that any departure from the design drawings gives rise to any materially new or different environmental effects from those assessed in the Environmental Statement.

### **Stages of authorised development**

4.—(1) The authorised development may not commence until a written scheme setting out all the stages of the authorised development has been submitted to and approved by the relevant planning authority, after consultation with the relevant highway authority.

(2) Written notice of the commencement and completion of each stage of the authorised development and the operational use of that part of the authorised development must be given to the relevant planning authority within ten business days of the relevant event occurring.

### **Construction Environmental Management Plan**

5.—(1) All construction works for the authorised development and mitigation works to minimise the impacts of construction must be carried out in accordance with the CEMP, unless



otherwise agreed with the relevant planning authority and the relevant highway authority as may be appropriate to the relevant plan, scheme or strategy concerned.

(2) The CEMP, which specifies measures to be used to minimise the impacts of construction works, incorporates the following plans, scheme and strategy—

- (a) Waste Management Plan;
- (b) Biodiversity Mitigation Strategy;
- (c) Archaeological Written Scheme of Investigation;
- (d) Construction Traffic Management Plan;
- (e) Public Rights of Way Management Plan; and
- (f) Noise and Vibration Management Plan.

(3) Any works carried out pursuant to the plans, scheme and strategy referred to sub-paragraph (2) must be carried out in accordance with the approved plan, scheme or strategy unless otherwise agreed with the relevant planning authority.

(4) The plans, scheme and strategy referred to in sub-paragraph (2) must be implemented as approved unless otherwise agreed with the relevant planning authority and the relevant highway authority as may be appropriate to the relevant plan, scheme or strategy concerned.

### **Approval and implementation of construction mitigation plans**

**6.**—(1) No stage of the authorised development may commence until, for that stage, the following plans, scheme to and method statements minimise the impacts of construction works have been submitted to and approved by the relevant planning authority—

- (a) Soil Management Plan;
- (b) Drainage Management Plan;
- (c) Pollution Incident Control Plan;
- (d) Project Environmental Management Plan;
- (e) Lighting Scheme;
- (f) Emergency Response Plan for Flood Events;
- (g) Site Waste Management Plan;
- (h) Archaeological Method Statements;
- (i) Tree and Hedgerow Protection Strategy; and
- (j) Riverview Farm Traffic Management Plan which must include, but not be limited to, mechanisms for the provision and implementation of the following matters
  - (i) a speed limit of 5 mph at Riverview Farm—
  - (ii) a manned escort walking in front of construction vehicles to reduce their speed to walking pace past Riverview Farm;
  - (iii) gated/manned control entrance system at Riverview Farm;
  - (iv) upgrade (to include resurfacing with black-top) of Factory Lane/Hackmead Lane junction and private track towards Riverview Farm;
  - (v) installation of traffic light system for a stretch of approximately 200m between Hack Mead Lane junction and barns on the private track towards Riverview Farm;
  - (vi) widening of private track towards Riverview Farm to provide holding bay for waiting HGVs;
  - (vii) installation of wheel cleansing facilities at black-top/stone haul road interchange; and
- (k) Plan Showing Proposed Safety Improvements at the junction of Factory Lane with Church Road (B3141).

(2) The construction works for each stage of the authorised development and mitigation works to minimise the impact of construction must be carried out in accordance with the approved plans,

scheme and method statements referred to in sub-paragraph (1), unless otherwise agreed with the relevant planning authority.

### **Construction hours**

7.—(1) Subject to sub-paragraphs (2) to (4) construction work must take place only between 0700 and 1900 Mondays to Fridays and between 0800 and 1700 on Saturdays and Sundays (the “core working hours”).

(2) Piling operations must take place only between 0800 and 1700 hours Mondays to Fridays and 0900 to 1400 on Saturdays.

(3) Working on a consecutive Saturday and Sunday may take place only on two out of any four consecutive weekends in each relevant local authority area.

(4) The following operations may take place outside the core working hours referred to in sub-paragraph (1)—

- (a) the jointing of underground cables with the exception of cable cutting which will take place only during core working hours;
- (b) the installation and removal of conductors, pilot wires and associated protective netting across highways, railway lines or watercourses;
- (c) the completion of operations commenced during the core working hours which cannot safely be stopped;
- (d) any highway works requested by the relevant highway authority to be undertaken on a Saturday or a Sunday or outside the core working hours;
- (e) oil processing of transformers or reactors in substation sites;
- (f) the testing or commissioning of any electrical plant installed as part of the authorised development; and
- (g) the completion of works delayed or held up by severe weather conditions which disrupted or interrupted normal construction activities.

### **Control of artificial light emissions**

8.—(1) No stage of the authorised development must commence until written details of any temporary or permanent external lighting to be installed during that stage, including measures to prevent light spillage, have been submitted to and approved by the relevant planning authority.

(2) The written details referred to in sub-paragraph (1) must incorporate the mitigation measures in relation to lighting set out in the Biodiversity Mitigation Strategy.

(3) All temporary external lighting must be installed in accordance with the written details referred to in sub-paragraph (1) and maintained during the construction of the relevant stage of the authorised development.

(4) Any temporary external lighting must be removed on completion of the relevant stage of the authorised development.

(5) All permanent external lighting must be installed in accordance with the details approved under sub-paragraph (1).

### **Provision of embedded landscape mitigation and landscaping schemes**

9.—(1) The landscaping works (Environmental Statement Document 5.7) (“landscaping scheme”) for—

- (a) Bridgwater Tee Cable Sealing End Compounds (Environmental Statement Document 5.7.3.14A, Figures 7.32.1 to 7.32.4);
- (b) South of Mendip Hills Cable Sealing End Compound (Environmental Statement Document 5.7.3.14A, Figures 7.33.1 to 7.33.5);

- (c) Sandford Substation (Environmental Statement Document 5.7.3.14A, Figures 7.35.1 to 7.35.6); and
- (d) Towerhead Brook Bridge (Environmental Statement Document 5.7.3.14A, Figure 7.36.1)

must be submitted to the relevant planning authority.

(2) a landscaping scheme mentioned in paragraph (a) must be carried out in accordance with the relevant plans and documents listed above and the specification set out at Environmental Statement Document 5.7.2 Appendix 7K (NBS Landscape Specification), with a fifteen-year maintenance period, and as approved by the relevant planning authority, unless otherwise agreed with the relevant planning authority.

### **Replacement planting**

**10.**—(1) Unless otherwise agreed with the relevant planning authority, no stage of the authorised development may commence until, for that stage, a scheme for the planting of trees, groups of trees, woodlands and hedgerows and blocks of woodland and scrub to replace those to be removed during that stage that accords with Section 9 of the Arboricultural Impact Assessment Report (Document 5.21.1B) has been submitted to and approved by the relevant planning authority.

(2) The planting scheme submitted under sub-paragraph (1) must include details of—

- (a) the location and a schedule of plants noting number, species, size and planting density of any proposed planting or seeding;
- (b) cultivation, importing of materials, protection measures for planting and other operations to ensure plant and seed establishment;
- (c) details of a five-year maintenance regime for areas other than bat flyways and details of an eight-year maintenance regime for the bat flyways;
- (d) identify opportunities for early landscape and replacement planting after implementation of the authorised development and for temporary planting at construction compounds prior to implementation of the relevant stage;
- (e) management plans for landowners which set out the maintenance activities for years one to five and years six to fifteen; and
- (f) a scheme for the property Ashtrees in Mark in accordance with ‘Actions arising from DCO hearing 17 June – Note relating to planting at Ashtrees’, Doc 8.39.6, including a timetable for its implementation.

(3) Where overgrown hedgerows or lines or areas of trees are removed (and cannot be replaced with trees for operational reasons) the planting scheme submitted under sub-paragraph (1) must include in situ replacement planting with hedgerows, areas of hedgerow species or gapping up of existing hedgerows, as appropriate to the locality, at the following locations (Documents 5.21.3)—

- (a) to the north and south of Woolavington Road (Environmental Statement Figures 21.2.7 and 21.2.7a);
- (b) field boundary trees north of pylon LD8, south of Cripps Farm (Environmental Statement Figure 21.2.10a);
- (c) roadside trees either side of Northwick Road, south of pylon LD20 (Environmental Statement Figure 21.2.13a);
- (d) field boundary trees at Tarnock between pylon LD31 and LD33 (Environmental Statement Figures 21.2.16a and 21.2.16b);
- (e) field boundary trees north of pylon LD46 (Environmental Statement Figure 21.2.27);
- (f) tree lines to the north of pylon LD59 and LD63 at North End (Environmental Statement Figures 21.3.30a and 21.2.31b);
- (g) field boundary trees between pylon LD75 and LD76 south of North Drove (Environmental Statement Figure 21.2.34);

- (h) to the north and south of the junction of Cadbury Camp Lane and Whitehouse Lane (Environmental Statement Figures 21.2.37, 21.2.37a and 21.2.38);
- (i) adjacent to pylon P-LD104 and smaller areas further west at Portbury Wharf (Environmental Statement Figure 21.3.3);
- (j) on the proposed Storage Facility Site off Gloucester Road (Environmental Statement Figure 21.2.44);
- (k) adjacent to the M49 motorway between pylon LD120 and the railway line north of LD124 and south of Moorhouse Farm and pylon G31R (Environmental Statement Figures 21.2.46 and 21.2.46a and Document 4.7.8B sheet 5 of 7); and
- (l) across Hallen Marsh and along Ableton Lane and Minor's Lane and public right of way ORN/27/10 (Environmental Statement Figures 21.2.47, 21.2.47a and 21.2.48).

### **Implementation of landscaping and replacement planting**

**11.**—(1) All landscaping and replacement planting works referred to in Requirements 9(a), (b) and (d), Requirement 10 and Requirement 30(3) must be implemented at the earliest opportunity and no later than by the first available planting season after that part of the authorised development to which the landscaping or replacement planting works apply is first brought into operational use.

(2) All landscaping and replacement planting works referred to in Requirement 9(c) must be implemented in accordance with the timescale specified in Environmental Statement Figure 7.35.6 as updated by Document 8.18.2.1, Appendix 2.9.27.1, 'Appendices to Applicant's Responses to Examining Authority's Second Round Written Questions Part 1'.

(3) Advance planting must take place at the South of the Mendip Hills Cable Sealing End Compound and the River Axe Cable Bridge option (if used) in accordance with Document 8.18.2.1, Appendix 2.9.27.1, or at a later date within the planting season specified or the next planting season.

(4) Advance planting must take place at the property Ashtrees in Mark in accordance with the scheme approved under Requirement 10(2)(f).

(5) All landscaping and replacement works referred to in Requirements 9 and 10 must be carried out in accordance with specification set out at Document 5.7.2 Appendix 7K (NBS Landscape Specification) and the relevant landscaping scheme for that stage of the authorised development, and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standard or other recognised codes of good practice.

(6) Any tree or shrub planted as part of an approved landscaping or replacement planting scheme that, within a period of fifteen years after planting for embedded landscape mitigation, eight years for bat flyway hedge planting, and five years for all other areas 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 otherwise approved by the relevant planning authority.

### **Retention and protection of existing trees and hedgerows**

**12.**—(1) No stage of the authorised development may commence until, for that stage, a Tree and Hedgerow Protection Strategy ("THPS") prepared in accordance with BS 5837:2012 (Trees in relation to design, demolition and construction) identifying the trees, groups of trees and hedgerows to be retained during that stage has been submitted to and approved by the relevant planning authority.

(2) The THPS referred to in sub-paragraph (1) must include—

- (a) Tree Protection Plans detailing the alignment of temporary physical tree protection measures, in accordance with the details identified in Section 8 of the Arboricultural Impact Assessment report (Document 5.21.1B);

- (b) a schedule of all proposed tree removal and pruning with annotated plans;
- (c) a specification for temporary physical protection for trees and hedgerows; and
- (d) details of an auditable system of compliance with the approved protection measures.

(3) The trees, groups of trees and hedgerows identified in the THPS referred to in sub-paragraph (1) must not be felled or otherwise removed in connection with the construction of the authorised development.

(4) The relevant stage of the authorised development must not commence until the approved protection measures referred to in sub-paragraph (1) are in place, and they must thereafter be maintained during the construction of the relevant stage of the authorised development.

### **Bird flight diverters**

**13.**—(1) Bird flight diverters must be fitted to the 400kV overhead line in the vicinity of—

- (a) the River Brue between pylons LD8 and LD11;
- (b) the Huntspill River between pylons LD2 and LD5; and
- (c) the King’s Sedgemoor Drain between pylons ZGA1 and ZGA3,

during its construction and must thereafter be retained, unless otherwise agreed by the relevant planning authority, after consultation with Natural England.

(2) Post construction bird collision monitoring of the 400kV overhead line must be undertaken in accordance with the requirements set out in Document 5.33.1 (for the area south of Mark).

(3) When the first of the following has occurred—

- (a) Commencement of enhancement works for waders and wildfowl have commenced across 9.5ha of land at Hallen Marsh (as measured by the total area of the wetland creation project which includes scrapes for wading birds or ponds for waterfowl and the surrounding land);
- (b) The creation of at least 100m<sup>2</sup> of scrapes or ponds at Hallen Marsh,

National Grid must install large spiral bird diverters on the earth wire between pylons LD125 and LD129 at the next available outage. If the first of (a) or (b) is reached prior to or during the construction of the authorised development, the diverters must be installed during the construction of the overhead lines, or if after energisation of the lines, at the first available outage.

(4) Post construction bird collision monitoring of the 400kV overhead line between pylons P-LD95 and P-LD102A must be undertaken in accordance with a monitoring and mitigation scheme to be submitted to and approved by the local planning authority prior to this stage of the development being strung.

### **Bat mitigation measures**

**14.**—(1) Bat mitigation measures, including measures for the creation of temporary and permanent bat flyways and foraging areas in the event that hedgerows or grasslands are removed in connection with any stage of the authorised development, must be provided in accordance with the details identified in the Biodiversity Mitigation Strategy, unless otherwise agreed with Natural England after consultation with the relevant planning authority.

(2) The measures referred to in sub-paragraph (1) must be maintained and managed for eight years.

### **Reinstatement schemes**

**15.**—(1) Subject to sub-paragraph (2), any land within the Order limits which is used temporarily for construction is to be reinstated to its former condition, or such condition as the relevant planning authority may approve, within six months of completion of the construction of the stage of authorised development for which it was required, or such further time as may be approved by the relevant planning authority.

(2) Any land within the Order limits required for the installation of the underground cables is to be reinstated to its former condition, or such condition as the relevant planning authority may approve, within twelve months of completion of installation of the cables in that land, or such further time as may be approved by the relevant planning authority.

(3) The requirement to reinstate the land to its former condition is subject to the provisions of article 29 (temporary use of land by National Grid) and article 30 (temporary use of land by WPD).

### **Fencing and other means of enclosure**

**16.—**(1) No stage of the authorised development may commence until, for that stage, written details of all proposed temporary and permanent fences, walls or other means of enclosure have been submitted to and approved by the relevant planning authority.

(2) Any temporary fences, walls or other means of enclosure approved under sub-paragraph (1) must remain secure during the construction of the relevant stage of the authorised development in accordance with the written details approved under sub-paragraph (1) unless otherwise agreed with the relevant planning authority.

(3) Any temporary fencing must be removed on either completion of the relevant stage of the authorised development to which it relates or such other time as may be agreed with the relevant planning authority.

(4) Any temporary and permanent fences, walls or other means of enclosure must be installed in accordance with the details approved under sub-paragraph (1).

(5) The details referred to in sub-paragraph (1) must incorporate the mitigation measures in relation to bat flyways set out in the Biodiversity Mitigation Strategy.

(6) The details referred to in sub-paragraph (1) do not apply to temporary amphibian fencing, stock fencing or demarcation fencing.

### **Surface water drainage**

**17.—**(1) No stage of the authorised development may commence until, for that stage, the Drainage Management Plan) containing written details of the surface and foul water drainage system (including means of pollution control) for both permanent and temporary works have been submitted to and approved by the relevant planning authority after consultation with the sewerage undertaker, the relevant drainage authority and the Environment Agency.

(2) Any temporary surface or foul water drainage system must be constructed in accordance with the approved details and remain during the construction of the relevant stage of the authorised development.

(3) Any permanent surface or foul water drainage system must be constructed in accordance with the details approved under sub-paragraph (1).

### **Contaminated land and groundwater**

**18.—**(1) No stage of the authorised development may commence until a written scheme applicable to that stage to deal with the ground conditions, including contamination of any land or groundwater within the Order limits which is likely to cause significant harm to persons or pollution of controlled waters or the environment has been submitted to and approved by the relevant planning authority, after consultation with the Environment Agency.

(2) The scheme must accord with the approach set out in the Environmental Statement Document 5.9.1, Chapter 9, and must include an investigation and assessment report, prepared by a specialist consultant approved by the relevant planning authority, to identify the extent of any contamination and the remedial measures to be taken to render the land fit for its intended purpose, together with a management plan which sets out long-term measures with respect to any contaminants remaining on the site.

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

(4) In this requirement, “controlled waters” has the same meaning as in Part 3 of the Water Resources Act 1991(a).

### **Inspection of temporary watercourses**

**19.**—(1) No stage of the authorised development may commence until a written scheme for the inspection and clearance of debris from any temporary watercourse required in connection with that stage has been submitted to and approved by the relevant planning authority, after consultation with the Environment Agency and the relevant drainage authority.

(2) The approved scheme must be implemented for each temporary watercourse during the construction of that stage of the authorised development until such time as the temporary watercourse has been removed.

### **Removal of temporary bridges and culverts**

**20.**—(1) Within two months of completion of the construction of any specific stage of the authorised development, a watercourse protection plan for the protection of watercourses during the removal of temporary bridges and culverts must be submitted for approval by the relevant planning authority.

(2) Any temporary bridge or culvert required in connection with any stage of the authorised development must be removed within twelve months of completion of the construction of that stage of authorised development for which it was required, in accordance with the approved watercourse protection plan; or such further time as may be approved by the relevant planning authority, in consultation with the Environment Agency or the relevant drainage authority as appropriate.

### **Accumulation and deposits**

**21.**—(1) No stage of the authorised development may commence until a written scheme for the management of any accumulations and deposits arising from the construction of that stage has been submitted to and approved by the relevant planning authority, after consultation with the Environment Agency and the relevant drainage authority.

(2) The approved scheme for the management of accumulations and deposits must be implemented before and maintained during the construction of the stage of the authorised development to which it relates.

### **Highway works**

**22.**—(1) No work to construct or alter any permanent or temporary means of access to a highway to be used by vehicular traffic must commence until written details of the design and layout of that means of access has been submitted to and approved by the relevant highway authority.

(2) The highway accesses must be constructed in accordance with the details approved under sub-paragraph (1).

(3) The undertaker must—

- (a) carry out stage 2, 3 and 4 road safety audits of the highway works authorised by this Order in accordance with Standard HD 19/15 of the Department for Transport’s Design Manual for Roads and Bridges or in accordance with any standard that supersedes that Standard,
- (b) remedy to the reasonable satisfaction of the relevant highway authority any defects identified in any such road safety audits, and
- (c) must implement recommendations arising from the road safety audit reports,

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(a) 1991 c. 57.

unless otherwise agreed with the relevant highway authority.

### **HGV traffic**

**23.**—(1) Except in exceptional circumstances, HGV movements associated with the authorised development must not be permitted between 0800–0900 and 1700–1800 at the following highway junctions—

- (a) A39/Puriton Hill;
- (b) A39 Puriton Hill/Bath Road;
- (c) A39 Bath Road/Woolavington Hill;
- (d) A38 Bristol Road/Harp Road;
- (e) Dunball Roundabout;
- (f) A38 Bristol Road/The Drove;
- (g) A38 Bristol Road/Wylds Road;
- (h) Wylds Road/The Drove;
- (i) Central Way/Southern Way;
- (j) Northern Way/B3133 Tickeham Road;
- (k) Clevedon Road/B3128 Tickenham Hill; and
- (l) A403 St Andrew’s Way/Kings Weston Way.

(2) The restrictions do not apply to the movement of HGVs on the strategic or local road network other than at the junctions referred to in sub-paragraph (1) or in relation to abnormal indivisible loads.

### **Scheme of marking**

**24.**—(1) No stage of the authorised development must commence until a scheme of marking for HGVs and LGVs to identify vehicles engaged on work in the authorised development has been submitted to and approved by the relevant highway authority, after consultation with the relevant planning authority.

(2) The authorised development must be carried out in accordance with the approved scheme of marking.

### **Highway signage plans**

**25.**—(1) No stage of the authorised development must commence until plans for highway signage for that stage have been submitted to and approved by the relevant highway authority.

(2) The approved signage must be installed before, and maintained during, the construction of the part of the authorised development to which it relates.

(3) Unless otherwise agreed with the relevant highway authority, no signage must be installed other than in accordance with the plans referred to in sub-paragraph (1).

### **Traffic Incident Management Plan**

**26.**—(1) No stage of the authorised development must commence until a Traffic Incident Management Plan has been submitted to and approved by the relevant highway authority.

(2) The Traffic Incident Management Plan must set out measures to be taken in the event that either—

- (a) any part of the strategic or local road networks in the vicinity of the authorised development is temporarily closed; or
- (b) traffic from an incident elsewhere is diverted along one of the proposed construction routes for the authorised development.



(3) In the event of a traffic incident as referred to in sub-paragraph (2) during the construction works, the approved measures in the Traffic Incident Management Plan must be implemented.

### **Travel Plan**

**27.**—(1) Prior to the commencement of development, a Travel Plan must be submitted to the relevant highway authority for approval in writing.

(2) The measures specified in the Travel Plan must include those set out in the Environmental Statement Construction Environmental Management Plan Appendix 4 - Construction Traffic Management Plan (Document 5.26.5C).

(3) The approved plan must be implemented from the commencement of the construction period and in full for the duration of the construction stage of the development

### **Seabank substation flood defences**

**28.**—(1) Works on the Seabank 400kV substation must not commence until written details and plans of the flood defence wall at the substation, including a timetable for implementation, have been submitted to and approved by the relevant planning authority, after consultation with the Environment Agency.

(2) The flood defence wall must be constructed in accordance with the approved details and timetable referred to in sub-paragraph (1).

### **Control of operational noise at Sandford substation**

**29.**—(1) The rating level of noise emitted from the Sandford substation site during its operation must not exceed 30dB(A).

(2) The noise level referred to in sub-paragraph (1) must be determined at the nearest residential premises.

(3) The measurements and assessment of the noise levels referred to in sub-paragraph (1) must be made according to BS 4142:1997.

### **River Axe crossing**

**30.**—(1) The installation of the cables crossing the River Axe may not commence until a written description of the method for crossing the watercourse (confirming which of the alternatives described in Work No. 2B is to be used) has been submitted and approved by to the relevant planning authority.

(2) The works must be carried out in accordance with the method referred to in sub-paragraph (1) unless otherwise approved by the relevant planning authority after consultation with the Environment Agency.

(3) In the event that the cables crossing the River Axe are to be via a bridge, unless otherwise agreed with the relevant planning authority, the River Axe Cable Bridge Option landscaping works (Environmental Statement Document 5.7.3.14A and Figure 7.34.1) must be implemented at the earliest opportunity and no later than the first available planting season following the construction of the bridge and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standard or other recognised codes of good practice.

### **Residential amenity: information dissemination and complaints handling**

**31.**—(1) The authorised development must not commence until a written scheme for the provision of information to local residents and occupiers about the works and for the handling of complaints has been submitted to and approved by the relevant planning authority, after consultation with the relevant highway authority.

(2) The information to be disseminated must include general provision of information in relation to the phasing and carrying out of construction works for the authorised development and specifically in relation to activities on-site that may lead to nuisance.

(3) The scheme must include a complaints procedure (including but not limited to complaints relating to noise, dust, vibration, pollution and construction traffic) setting out—

- (a) how and to whom complaints can be made;
- (b) a reasonable timeframe for responding to complaints;
- (c) the potential remedies available to address complaints; and
- (d) who to contact in the event that the complainant is not satisfied with the outcome of the complaints procedure.

(4) The approved scheme must be implemented as approved throughout the construction of the authorised development, unless otherwise approved by the relevant planning authority.

### **Approval of external appearances etc. of permanent structures**

**32.**—(1) Any permanent buildings at—

- (a) Sandford Substation;
- (b) Bridgewater Tee cable sealing end compound;
- (c) South of Mendip Hills cable sealing end compound; and
- (d) Seabank Substation,

must not be constructed until details of their design, external appearance, colour and surface finish have been submitted to and approved by the relevant planning authority.

(2) Any permanent bridges at—

- (a) Towerhead Brook; and
- (b) the River Axe,

must not be constructed until details of their design, external appearance, colour and surface finish have been submitted to and approved by the relevant planning authority, after consultation with the Environment Agency.

(3) Any works to construct the buildings and bridges referred to in this Requirement must be completed in accordance with details approved under sub-paragraphs (1) and (2).

### **Clearance over main rivers**

**33.** No part of any 400kV overhead electric line may be installed or maintained directly above any main river at a height of less than 10.9 metres above the top level of the bank of that river.

### **Decommissioning**

**34.**—(1) In the event that, at some future date, the authorised development, or any part of it, is to be decommissioned, a written scheme of decommissioning must be submitted for approval by the relevant planning authority at least six months prior to any decommissioning works.

(2) The approved scheme must be implemented as approved, unless otherwise approved by the relevant planning authority.

(3) This Requirement does not apply to the authorised development and associated development described in Schedule 1 (authorised development) for the dismantling and removal of existing infrastructure or apparatus.

### **Removal of WPD Works**

35. Any existing WPD infrastructure to be removed as part of the WPD Works must be removed at the earliest opportunity and no later than 12 months after that part of the authorised development to which that part of the WPD Works apply is first brought into operational use.

### **Colour of T-pylons**

36. All T-pylons must be painted Agate Grey (RAL 7038) in a low reflectivity finish unless a different colour or surface finish is otherwise agreed with the relevant planning authority.

### **Construction compounds**

37. The construction compounds shown cross hatched and identified as site compounds on the Works Plans must be constructed in the situations shown on those plans, unless otherwise approved by the relevant planning authority.

### **Design Approach to Site Specific Infrastructure**

38. In relation to Requirements 8 (control of artificial light emissions), 9 (provision of embedded landscape mitigation), 10 (replacement planting), 16 (fencing and other means of enclosure), 22 (highway works), 30 (River Axe crossing) and 32 (approval of external appearances etc. of permanent structures), any detail, method or scheme to be submitted to and approved by the relevant planning authority must be produced having regard to the Design Approach to Site Specific Infrastructure, unless otherwise agreed by the relevant planning authority.

### **Overhead line conductors**

39.—(1) Before the commencement of construction works, details of the overhead line conductors and the Quality Assurance systems to be used for transportation and implementation must be submitted to and approved in writing by the relevant planning authorities.

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

### **Assessment of noise impacts**

40.—(1) No stage of the authorised development must commence

- (a) until an assessment of the noise impacts of those construction works has been carried out for that stage of all the relevant residential properties lying within maximum threshold distances for main construction activities and listed in Environmental Statement Document 5.14 Appendix 14A Tables 2, 3 and 4; and
- (b) a scheme to mitigate any impacts has been submitted to and approved by the relevant planning authority.

(2) Any works of mitigation must be carried out in accordance with the scheme before the start of construction works for that stage of the authorised development.

### **Assessment of vibration impacts**

41. None of the following operations is to be carried out until full vibration impact assessments have been carried out, and a scheme to mitigate any impacts has been submitted to and approved by the relevant planning authority and any works of mitigation required by the scheme have been implemented for any private residential property lying within the limits set out in this Requirement for that operation—

- (a) Driven (sheet or column) piling operation within 50m of a private residential property;
- (b) Vibratory compaction of haul road/bellmouth within 20m of a private residential property;

- (c) Cable trenching within 15m of a private residential property;
- (d) Horizontal directional drilling within 25m of a private residential property;
- (e) Breaking out of 132kV pylon foundation within 35m of a private residential property.

**St Anthony’s Park travellers’ site**

42. No construction activities may be carried out at St Anthony’s Park travellers’ site on the above ground area shown hatched grey on the St Anthony’s Park Enhanced Mitigation Plan drawing no. MMD-322-069-C-SK-GRoute-XX-0001

**Site Specific Mitigation Scheme**

43.—(1) No stage of the authorised development that affects the sites listed below may commence until a site specific mitigation scheme to mitigate all the impacts of construction activities, including noise, dust, vibration, and visual effects, has been submitted to and approved in writing by the relevant local planning authority. The sites are—

- (a) Sunnysdene, Northwick Road, Mark, Highbridge, TA9 4PG;
- (b) Moorland Park Hewish, Congresbury, BS24 6RQ;
- (c) Merriedown, Old Lane, Tickenham, Clevedon, BS21 6RZ;
- (d) Spindlewood, Cadbury Camp Lane, Clapton-in-Gordano, BS20 7SA;
- (e) Paragon Vehicle Services Limited’s Paint Shop on BPC land at Royal Portbury Wharf, Mainsite South, Royal Portbury Dock Road, Portbury, Bristol, BS20 7XJ;
- (f) St Anthony’s Park, Kings Weston Lane, Avonmouth, BS11 8AZ;

(2) The construction works for the relevant stage of the authorised development must be carried out in accordance with the approved scheme referred to in sub-paragraph (1) above.

**Bat Special Areas of Conservation**

44. No works may commence until agreement has been secured under section 106 of the 1990 Act between the National Grid and the Joint Councils to cover payment for a monitoring service to cover—

- (a) installation, use of and maintenance of temporary bat flyways;
- (b) phasing of hedgerow removal and reinstatement works within the cable installation area through any Area of Outstanding Natural Beauty;
- (c) maintaining bat foraging habitats in accordance with the Habitat Evaluation Procedure and associated calculations, including seeding of topsoil and subsoil piles;
- (d) installation of and eight years’ maintenance of the reinstated permanent bat flyways (hedgerows) from the date of installation;
- (e) installation of and maintenance of relevant plantings at Sandford substation, South of the Mendip Hills CSE compound, River Axe Cable Bridge option and Towerhead Brook Bridge of at least eight years from the date of installation; and,
- (f) fencing installation and eight years’ maintenance.

**England Coast path**

45.—(1) No works to—

- (a) dismantle the existing overhead lines—
  - (i) between pylon VQ1 and VQ2, and
  - (ii) between pylon ZZ4 and ZZ5, and
- (b) string the proposed new overhead lines—
  - (i) between pylon VQ3A and VQ3B, and

(ii) between pylon ZZ4 and ZZ5,  
may commence until consent given by the Joint Councils in respect of the diversion of footpaths WL23/71 and WL23/61.

(2) The consent of the Joint Councils referred to in paragraph (1) must not be unreasonably withheld.

#### **Avonmouth Sewage Treatment Works**

**46.**—(1) No works for the underground cable may deviate from the route shown in Drawing No. 13/NG/0387/G/WP(B)/PS/5, unless the consent for such deviation is given by Wessex Water Services Ltd.

(2) If consent to deviation mentioned in sub-paragraph (1) is withheld following a request by the undertaker, the undertaker may appeal to the Secretary of State, who may consent to the deviation if the Secretary of State considers that the consent requested had been withheld by Wessex Water Services Ltd unreasonably.

## DISCHARGE OF REQUIREMENTS

**Applications made under Requirements**

1.—(1) Where an application has been made to a relevant authority for any consent, agreement or approval required by a Requirement, the relevant authority must give notice to the undertaker of its decision on the application before the end of the decision period.

(2) For the purposes of sub-paragraph (1), the decision period is—

(a) in the case of a major Requirement—

- (i) where no further information is requested under sub-paragraph (3), 8 weeks from the day immediately following that on which the application is received by the relevant authority;
- (ii) where further information is requested under sub-paragraph (3), 8 weeks from the day immediately following that on which further information has been supplied by the undertaker under sub-paragraph (3); or
- (iii) such longer period as may be agreed by the undertaker and the relevant authority in writing before the end of the period in sub-paragraph (i) or (ii); and

(b) in the case of a minor Requirement—

- (i) where no further information is requested under sub-paragraph (3), 5 weeks from the day immediately following that on which the application is received by the relevant authority;
- (ii) where further information is requested under sub-paragraph (3), 5 weeks from the day immediately following that on which further information has been supplied by the undertaker under sub-paragraph (3); or
- (iii) such longer period as may be agreed by the undertaker and the discharging authority in writing before the end of the period in sub-paragraph (i) or (ii).

(3) Where an application has been made to which this Schedule applies the relevant authority may request such reasonable further information from the undertaker as it considers is necessary to enable it to consider the application.

(4) If the relevant authority considers that further information is necessary, the relevant authority must, within 7 business days of receipt of the application, notify the undertaker in writing specifying the further information required.

(5) If the Requirement specifies that consultation with a requirement consultee is required, the relevant authority must issue the consultation to the requirement consultee within 1 business day of receipt of the application and must notify the undertaker in writing specifying any further information requested by the requirement consultee within 1 business day of receipt of such a request and in any event within 28 business days of receipt of the application.

(6) If the relevant authority does not give the notification mentioned in sub-paragraph (4) or (5), it is deemed to have sufficient information to consider the application and is not thereafter entitled to request further information without the prior agreement of the undertaker.

**Fees**

2.—(1) Where an application is made to a relevant planning authority for any consent, agreement or approval required by a Requirement, a fee must be paid to the relevant planning authority as follows—

(a) £97; or

- (b) such other fee as may be prescribed (under sections 303 and 333(2A) of the 1990 Act for the discharge of conditions attached to a planning permission).
- (2) Any fee paid under this Schedule must be refunded to the undertaker within 4 weeks of—
- (a) the application being rejected as invalidly made; or
  - (b) the relevant planning authority failing to determine the application within the decision period specified in paragraph 1(1),
- unless within that period the undertaker agrees in writing that the fee may be retained by the relevant planning authority and credited in respect of a future application.

## Appeals

- 3.—(1) The undertaker may appeal if—
- (a) the relevant authority refuses an application for any consent, agreement or approval required by—
    - (i) a Requirement, and any document referred to in any Requirement; or
    - (ii) any other consent, agreement or approval required under this Order, or grants it subject to conditions to which the undertaker objects;
  - (b) the relevant authority does not give notice of its decision to the undertaker within the period specified in paragraph 1(1);
  - (c) having received a request for further information under paragraph 1(3) the undertaker considers that either the whole or part of the specified information requested by the relevant authority is not necessary for consideration of the application; or
  - (d) having received any further information requested, the relevant authority notifies the undertaker that the information provided is inadequate and requests additional information which the undertaker considers is not necessary for consideration of the application.
- (2) The procedure for appeals is as follows—
- (a) the undertaker must submit to the Secretary of State a copy of the application submitted to the relevant authority and any supporting documents which the undertaker may wish to provide (“the appeal documents”);
  - (b) the undertaker must on the same day provide copies of the appeal documents to the relevant authority and the requirement consultee (if applicable);
  - (c) as soon as is practicable after receiving the appeals documents the Secretary of State must appoint a person to determine the appeal (“the appointed person”) and notify the appeal parties of the identity of the appointed person and the address to which all correspondence for the appointed person must be sent;
  - (d) the relevant authority and the requirement consultee (if applicable) may submit any written representations in respect of the appeal to the appointed person within 10 business days beginning with the first day immediately following the date on which the appeal parties are notified of the appointment of the appointed person and must ensure that copies of their written representations are sent to each other and to the undertaker on the day on which they are submitted to the appointed person;
  - (e) the appeal parties may make any counter-submissions to the appointed person within 10 business days beginning with the first day immediately following the date of receipt of written representations pursuant to paragraph (d); and
  - (f) the appointed person must make a decision and notify it to the appeal parties, with reasons, as soon as reasonably practicable.
- (3) If the appointed person considers that further information is necessary to consider the appeal, the appointed person must as soon as practicable notify the appeal parties in writing specifying the further information required, the appeal party from whom the information is sought, and the date by which the information must be submitted.

(4) Any further information required pursuant to sub-paragraph (3) must be provided by the party from whom the information is sought to the appointed person and to other appeal parties by the date specified by the appointed person.

(5) The appeal parties may submit written representations to the appointed person concerning matters contained in the further information.

(6) Any such representations must be submitted to the appointed person and made available to all appeal parties within 10 business days of the date mentioned in sub-paragraph (3).

### **Outcome of appeals**

4.—(1) On an appeal under paragraph 3, the appointed person may—

- (a) allow or dismiss the appeal; or
- (b) reverse or vary any part of the decision of the relevant authority (whether the appeal relates to that part of it or not),

and may deal with the application as if it had been made to the appointed person in the first instance.

(2) The appointed person may proceed to a decision on an appeal taking into account only such written representations as have been sent within the time limits prescribed or set by the appointed person under this paragraph.

(3) The appointed person may proceed to a decision even though no written representations have been made within those time limits if it appears to the appointed person that there is sufficient material to enable a decision to be made on the merits of the case.

(4) The decision of the appointed person on an appeal is final and binding on the parties, and a court may entertain proceedings for questioning the decision only if the proceedings are brought by a claim for judicial review.

(5) Any consent, agreement or approval given by the appointed person pursuant to this Schedule is deemed to be an approval for the purpose of Schedule 3 to this Order as if it had been given by the relevant planning authority.

(6) The relevant authority may confirm any determination given by the appointed person in identical form in writing but a failure to give such confirmation (or a failure to give it in identical form) does not affect or invalidate the effect of the appointed person's determination.

(7) Except where a direction is given pursuant to sub-paragraph (8) requiring the costs of the appointed person to be paid by the relevant authority, the reasonable costs of the appointed person must be met by the undertaker.

(8) On application by the relevant authority or the undertaker, the appointed person may give directions as to the costs of the appeal parties and as to the parties by whom the costs of the appeal are to be paid.

(9) In considering whether to make any such direction and the terms on which it is made, the appointed person must have regard to Communities and Local Government Circular 03/2009 or any circular or guidance which may from time to time replace it.

### **Interpretation of Schedule 4**

5. In this Schedule—

“the appeal parties” means the relevant authority, the requirement consultee and the undertaker;

“major Requirement” means Requirements 3, 5, 6, 8, 9, 10, 12, 18, 22, 26, 27 and 30 in Schedule 3;

“minor Requirement” means Requirements 4, 7, 11, 13, 16, 17, 19, 20, 21, 24, 25, 28, 31, 32, 34, 36 and 37 in Schedule 3;



“relevant authority” means the relevant planning authority, relevant highway authority, relevant street authority, Environment Agency, Natural England or relevant owner of a watercourse, sewer or drain as may be appropriate to the consent or approval sought; and  
“requirement consultee” means any body named in a Requirement as a body to be consulted by the relevant authority in discharging that Requirement.

## SCHEDULE 5

Article 10

### STREETS SUBJECT TO STREET WORKS

<i>(1)</i> <i>Authority</i>	<i>(2)</i> <i>Street subject to street works</i>
Somerset County Council	Wick Moor Drove
	Un-named road (perpendicular to Wick Moor Drove)
	A39 Bath Road
	A39 Puriton Hill
	A39 Woolavington Hill
	Woolavington Road (Higher Road)
	B3141 Causeway
	Un-named track (perpendicular to B3141 Causeway)
	Church Road
	Burtle Road
	Middle Moor Road
	Southwick Road
	Un-named road between Tile House Road and Southwick Road
	Butt Lake Road
	Mark Causeway B3139
	Back Lane (Bridleway)
	Northwick Road
	Vole Road
	Pill Road
	A38 Bristol Road
Hams Lane	
Webbington Road	
Fletcher's Lane	
North Somerset Council	Max Mill Lane
	A371 Barwell Road/Castle Hill
	A368 Towerhead Road
	Mead Lane
	Drove Way
	Iwood Lane
	Puxton Road
	Dolemoor Lane
	A370 Weston Road
	Wemberham Lane
	Lampley Road
	B3133 Kenn Road
	Russ Lane
	Kenn Moor Road
	Nailsea Wall
	North Drove
	Engine Lane
	Blackfriars Road
	Queens Road

<i>(1)</i> <i>Authority</i>	<i>(2)</i> <i>Street subject to street works</i>
	Hannah More Road
	Hanham Way
	Causeway
	Church Lane
	B3130 Clevedon Road
	Washing Pound Lane
	Cadbury Camp Lane
	Whitehouse Lane
	Watery Lane
	Caswell Lane
	Sheepway
	Un-named road (perpendicular to Marsh Lane)
	The Drove
	Wharf Lane
Bristol City Council	Victoria Road
	Avonmouth Way
	Kings Weston Lane
	Packgate Road
	A403 Severn Road
	Ableton Lane
	Minors Lane

## SCHEDULE 6

Article 12

### STREETS SUBJECT TO ALTERATION OF LAYOUT

#### PART 1

#### STREETS SUBJECT TO PERMANENT ALTERATION OF LAYOUT

##### Somerset County Council

<i>(1)</i> <i>Street subject to alteration of layout</i>	<i>(2)</i> <i>Description of alteration of layout</i>
Factory Lane	At AC21 (as shown on Section B, Sheet 3 of the access and rights of way plans) the extension of an existing bellmouth to comply with Highways standards. Comprising the realignment of the existing kerb line, reduction of pedestrian footway, installation of tactile paving, resurfacing and white lining.

##### North Somerset Council

<i>(1)</i> <i>Street subject to alteration of layout</i>	<i>(2)</i> <i>Description of alteration of layout</i>
A368 Towerhead Road	At AC51 (as shown on Section C, Sheet 5 and Section D, Sheet 1 of the access and rights of way plans) the creation of a bellmouth to enable access to Sandford substation with sufficient size to accommodate a transformer unit delivery vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system.
Drove Road	At AC54 (as shown on Section D, Sheet 1 of the access and rights of way plans) the creation of a bellmouth to enable access to Sandford substation with sufficient size to accommodate a light vehicular access. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system.

#### PART 2

#### STREETS SUBJECT TO TEMPORARY ALTERATION OF LAYOUT

##### Somerset County Council

<i>(1)</i> <i>Street subject to alteration of layout</i>	<i>(2)</i> <i>Description of alteration of layout</i>
A39 Bath Road	At AC1 (as shown on Section A, Sheet 5 of the access and rights of way plans) the creation of one temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
A39 Puriton Hill	At AC2 (as shown on Section A, Sheet 5 of the access and

<i>(1)</i> <i>Street subject to alteration of layout</i>	<i>(2)</i> <i>Description of alteration of layout</i>
	rights of way plans) the creation of one temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Woolavington Road (Higher Road)	At AC3 and AC4 (as shown on Section A, Sheet 4 and Section B, Sheet 1 of the access and rights of way plans) the creation of two temporary bellmouths to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
B3141 Causeway	At AC5, AC8, AC9 and AC11 (as shown on Section B, Sheets 1 and 2 of the access and rights of way plans) the creation of four temporary bellmouths to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Un-named Track (perpendicular to B3141 Causeway)	At AC6 and AC7 (as shown on Section B, Sheet 1 of the access and rights of way plans) the creation of two temporary bellmouths to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Middle Moor Drove	At AC10 (as shown on Section B, Sheet 2 of the access and rights of way plans) the creation of one temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required. B of the access and rights of way plans).
Burtle Road	At AC12 and AC13 (as shown on Section B, Sheets 2 and 4 of the access and rights of way plans) the creation of two temporary bellmouths to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Wick Moor Drove	At AC16, AC19 and AC20 (as shown on Section H, Sheet 1 of the access and rights of way plans) the creation of three temporary bellmouths to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Un-named Road (perpendicular to Wick Moor Drove)	At AC17 and AC18 (as shown on Section H, Sheets 1 and 2 of the access and rights of way plans) the creation of two temporary bellmouths to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Un-named Road (between Tile House Road and Southwick Road)	At AC22 and AC23 (as shown on Section B, Sheet 6 of the access and rights of way plans) the creation of two temporary bellmouths to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising

<i>(1)</i> <i>Street subject to alteration of layout</i>	<i>(2)</i> <i>Description of alteration of layout</i>
	the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Southwick Road	At AC24 and AC25 (as shown on Section B, Sheet 6 of the access and rights of way plans) the creation of two temporary bellmouths to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Butt Lake Road	At AC26 and AC27 (as shown on Section B, Sheet 7 of the access and rights of way plans) the creation of two temporary bellmouths to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Mark Causeway B3139	At AC28 and AC29 (as shown on Section B, Sheet 7 of the access and rights of way plans) the creation of two temporary bellmouths to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Back Lane (Bridleway)	At AC30 and AC31 (as shown on Section B, Sheet 7 of the access and rights of way plans) the creation of two temporary bellmouths to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Northwick Road	At AC32 and AC33 (as shown on Section B, Sheet 7 of the access and rights of way plans) the creation of two temporary bellmouths to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Vole Road	At AC34 and AC35 (as shown on Section B, Sheet 9 of the access and rights of way plans) the creation of two temporary bellmouths to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Pill Road	At AC36, AC37 and AC38 (as shown on Section B, Sheets 9 and 11 of the access and rights of way plans) the creation of three temporary bellmouths to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Pill Road	At AC39 (as shown on Section B, Sheet 11 of the access and rights of way plans) the creation of one temporary bridge to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the foundations and temporary bridge structure, where required.
A38 Bristol Road	At AC40 and AC41 (as shown on Section B, Sheet 13 of the access and rights of way plans) the creation of two temporary bellmouths to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing

<i>(1)</i> <i>Street subject to alteration of layout</i>	<i>(2)</i> <i>Description of alteration of layout</i>
	and a suitable drainage system, where required.
Fletcher's Lane	At AC41A and AC41B (as shown on Section B, Sheet 13 of the access and rights of way plans) the creation of two temporary bellmouths to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system where required.
Hams Lane	At AC42 and AC43 (as shown on Section B, Sheet 14 and Section C, Sheet 1 of the access and rights of way plans) the creation of two temporary bellmouths to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Webbington Road	At AC44 and AC45 (as shown on Section B, Sheet 14 and Section C, Sheet 1 of the access and rights of way plans) the creation of two temporary bellmouths to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.

#### North Somerset Council

<i>(1)</i> <i>Street subject to alteration of layout</i>	<i>(2)</i> <i>Description of alteration of layout</i>
Max Mill Lane	At AC46 and AC47 (as shown on Section C, Sheet 3 of the access and rights of way plans) the creation of two temporary bellmouths to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
A371 Banwell Road/Castle Hill	At AC48 and AC49 (as shown on Section C, Sheets 3, 4 and 5 of the access and rights of way plans) the creation of two temporary bellmouths to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
A368 Towerhead Road	At AC50 (as shown on Section C, Sheet 5 and Section D, Sheet 1 of the access and rights of way plans) the creation of one temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Mead Lane	At AC52 and AC53 (as shown on Section D, Sheet 1 of the access and rights of way plans) the creation of two temporary bellmouths to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Drove Way	At AC55 and AC56 (as shown on Section D, Sheet 1 of the access and rights of way plans) the creation of two temporary bellmouths to enable access/egress with

<i>(1)</i> <i>Street subject to alteration of layout</i>	<i>(2)</i> <i>Description of alteration of layout</i>
	sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Iwood Lane	At AC57 and AC58 (as shown on Section D, Sheet 15 of the access and rights of way plans) the creation of two temporary bellmouths to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Puxton Road	At AC59 (as shown on Section D, Sheet 2 of the access and rights of way plans) the creation of one temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Dolemoor Lane	At AC60 and AC61 (as shown on Section D, Sheet 5 of the access and rights of way plans) the creation of two temporary bellmouths to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
A370	At AC62 and AC63 (as shown on Section D, Sheet 5 of the access and rights of way plans) the creation of two temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Wemberham Lane	At AC64 and AC65 (as shown on Section D, Sheet 6 of the access and rights of way plans) the creation of two temporary bellmouths to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Lampley Road	At AC66 and AC67 (as shown on Section D, Sheet 7 of the access and rights of way plans) the creation of two temporary bellmouths to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
B3133 Kenn Road	At AC68 (as shown on Section D, Sheet 7 of the access and rights of way plans) the creation of one temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Russ Lane	At AC69, AC70 and AC71 (as shown on Section D, Sheet 7 of the access and rights of way plans) the creation of three temporary bellmouths to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Kenn Moor Road	At AC72 and AC73 (as shown on Section D, Sheet 8 of the access and rights of way plans) the creation of two temporary bellmouths to enable access/egress with



(1) <i>Street subject to alteration of layout</i>	(2) <i>Description of alteration of layout</i>
	sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Nailsea Wall Lane	At AC74 (as shown on Section D, Sheets 9 and 10 of the access and rights of way plans) the creation of one temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
N Drove	At AC75, AC77, AC79, AC80, AC83 and AC85 (as shown on Section D, Sheets 10 and 12 of the access and rights of way plans) the creation of six temporary bellmouths to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Engine Lane	At AC76 and AC78 (as shown on Section D, Sheet 11 of the access and rights of way plans) the creation of two temporary bellmouths to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Hanham Way	At AC81 (as shown on Section D, Sheet 13 of the access and rights of way plans) the creation of one temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Causeway	At AC82 and AC84 (as shown on Section D, Sheets 12 and 13 of the access and rights of way plans) the creation of two temporary bellmouths to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Church Lane	At AC86 and AC87 (as shown on Section D, Sheet 13 of the access and rights of way plans) the creation of two temporary bellmouths to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
B3130 Clevedon Road	At AC88 and AC91 (as shown on Section D, Sheet 13 and Section E, Sheet 1 of the access and rights of way plans) the creation of two temporary bellmouths to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Washing Pound Lane	At AC89 (as shown on Section D, Sheets 12 and 13 of the access and rights of way plans) the creation of one temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Cadbury Camp Lane	At AC92 (as shown on Section E, Sheets 2 and 3 of the

<i>(1)</i> <i>Street subject to alteration of layout</i>	<i>(2)</i> <i>Description of alteration of layout</i>
	access and rights of way plans) the creation of one temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Whitehouse Lane	At AC93 (as shown on Section E, Sheets 2 and 3 of the access and rights of way plans) the creation of one temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Caswell Lane	At AC94, AC95 and AC96 (as shown on Section E, Sheet 4 and Section F, Sheets 1 and 2 of the access and rights of way plans) the creation of three temporary bellmouths to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Sheepway	At AC99 and AC100 (as shown on Section F, Sheet 3 of the access and rights of way plans) the creation of two temporary bellmouths to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Un-named Road (perpendicular to Marsh Lane)	At AC101 (as shown on Section G, Sheet 2 of the access and rights of way plans) the creation of one temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
The Drove	At AC102 (as shown on Section F, Sheet 4 and Section G, Sheet 1 of the access and rights of way plans) the creation of one temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Wharf Lane	At AC103 and AC104 (as shown on Section F, Sheet 3 of the access and rights of way plans) the creation of two temporary bellmouths to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.

**Bristol City Council**

<i>(1)</i> <i>Street subject to alteration of layout</i>	<i>(2)</i> <i>Description of alteration of layout</i>
Victoria Road	At AC105 (as shown on Section G, Sheet 3 of the access and rights of way plans) the creation of one temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.

(1) <i>Street subject to alteration of layout</i>	(2) <i>Description of alteration of layout</i>
Avonmouth Way	At AC106 and AC107 (as shown on Section G, Sheet 4 of the access and rights of way plans) the creation of two temporary bellmouths to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Kings Weston Lane	At AC108 and AC109 (as shown on Section G, Sheets 4 and 5 of the access and rights of way plans) the creation of two temporary bellmouths to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Packgate Road	At AC110 (as shown on Section G, Sheets 5 and 6 of the access and rights of way plans) the creation of one temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Severn Road	At AC111 and AC113 (as shown on Section G, Sheets 6 and 7 of the access and rights of way plans) the creation of one temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Ableton Lane	At AC112 (as shown on Section G, Sheets 6 and 7 of the access and rights of way plans) the creation of one temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Minors Lane	At AC114 (as shown on Section G, Sheet 7 of the access and rights of way plans) the creation of one temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.

SCHEDULE 7

Article 13

STREETS OR PUBLIC RIGHTS OF WAY TO BE TEMPORARILY STOPPED UP

PART 1

STREETS OR PUBLIC RIGHTS OF WAY TO BE TEMPORARILY STOPPED UP FOR WHICH A DIVERSION IS TO BE PROVIDED

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street or public right of way to be temporarily stopped up</i>	<i>(3)</i> <i>Extent of temporary stopping up</i>	<i>(4)</i> <i>Temporary diversion</i>
<b>Somerset County Council</b>	Pill Road and Vole Road	Between points ST1.1, ST1.2, ST1.3 and ST1.4 as shown on Section B, Sheets 9 and 11 of the access and rights of way plans	Diversion Route from point DV1.1 to DV1.7 via DV1.2, DV1.3, DV1.4, DV1.5 and DV1.6 as shown on Section B, Sheets 9, 10, 11, 12 and 13 of the access and rights of way plans
<b>North Somerset Council</b>	Max Mill Lane	Between point ST2.1 to point ST2.2 as shown on Section C, Sheet 3 of the access and rights of way plans	Diversion Route from point DV2.1 to DV2.5 via DV2.2, DV2.3 and DV2.4 as shown on Section C, Sheets 3, 4 and 5 of the access and rights of way plans
	Mead Lane	Between point ST3.1 to point ST3.2 as shown on Section D, Sheet 1 of the access and rights of way plans	Diversion Route from point DV3.1 to DV3.2 as shown on Section D, Sheet 1 of the access and rights of way plans
	Engine Lane	Between point ST5.1 to point ST5.2 as shown on Section D, Sheet 11 of the access and rights of way plans	Diversion Route between point DV5.1 and DV5.7 via DV5.2, DV5.3, DV5.4, DV5.5 and DV5.6 as shown on Section D, Sheets 11, 12 and 13 of the access and rights of way plans
	Queens Road	Between point ST5.3 to point ST5.4 as shown on Section D, Sheet 13 of the access and rights of way plans	Diversion Route between point DV5.5 to DV5.6 via DV5.12, DV5.11, DV5.10, DV5.9 and DV5.8 as shown on Section D, Sheets 11, 13 and 14 of the access and rights of way plans
	Hanham Way	Between point ST5.4 to point ST5.5 as shown on Section D, Sheet 13 of the access and rights of way plans	Diversion Route between point DV5.6 to DV5.14 via DV5.8, DV5.9, DV5.10, DV5.16 and DV5.15 shown on Section D, Sheet 13 of

<i>(1) Area</i>	<i>(2) Street or public right of way to be temporarily stopped up</i>	<i>(3) Extent of temporary stopping up</i>	<i>(4) Temporary diversion</i>
			the access and rights of way plans
	Hanham Way	Between point ST5.5 to point ST5.6 as shown on Section D, Sheet 13 of the access and rights of way plans	Diversion Route between point DV5.14 to DV5.17 via DV5.6, DV5.8, DV5.9, DV5.10, DV5.11, DV5.25, DV5.24, DV5.23, DV5.22, DV5.21, DV5.20, DV5.19 and DV5.18 as shown on Section D, Sheets 12, 13 and 14 and Section E, Sheet 1 of the access and rights of way plans
	Washing Pound Lane	Between point ST6.1 to point ST6.2 as shown on Section D, Sheet 13 of the access and rights of way plans	Diversion Route between point DV5.20 to DV5.21 via DV5.23 and DV5.22 as shown on Section D, Sheet 13 and Section E, Sheet 1 of the access and rights of way plans
	Church Lane	Between point ST6.3 to point ST6.4 as shown on Section D, Sheet 13 and Section E, Sheet 1 of the access and rights of way plans	Diversion Route between point DV5.20 to DV5.23 via DV5.21 and DV5.22 as shown on Section D, Sheet 13 and Section E, Sheet 1 of the access and rights of way plans
	LA/13/8	From point RW112 to point RW113 as shown on Section D, Sheet 13 of the access and rights of way plans	From point RW109 to point RW110 as shown on Section D, Sheet 13 of the access and rights of way plans
	LA/13/9	From point RW113 to point RW114 as shown on Section D, Sheet 13 of the access and rights of way plans	From point RW109 to point RW110 as shown on Section D, Sheet 13 of the access and rights of way plans
	LA/13/1	From point RW111 to point RW112 to point RW114 to point RW116 as shown on Section D, Sheet 13 of the access and rights of way plans	From point RW109 to point RW110 as shown on Section D, Sheet 13 of the access and rights of way plans
	LA/15/20	From point RW135 to point RW137 as shown on Section E, Sheet 3 of the access and rights of way plans	From point RW134 to point RW137 as shown on Section E, Sheets 2 and 3 of the access and rights of way plans

## PART 2

### STREETS OR PUBLIC RIGHTS OF WAY TO BE TEMPORARILY STOPPED UP FOR WHICH NO DIVERSION IS TO BE PROVIDED

(1) <i>Area</i>	(2) <i>Street or public right of way to be temporarily stopped up</i>	(3) <i>Extent of temporary stopping up</i>
<b>Somerset County Council</b>	Pill Road	From point ST1.1 to point ST1.2 as shown on Section B, Sheet 8 of the access and rights of way plans
	BW/3/1	From point RW1 to point RW2 adjoining the A372 as shown on Section A, Sheet 1 of the access and rights of way plans
	BW/8/10	From point RW3 to point RW4 at Chedzoy Lane as shown on Section A, Sheets 1 and 2 of the access and rights of way plans
	BW/8/9	From point RW5 located at Front Street to point RW6 as shown on Section A, Sheet 2 of the access and rights of way plans
	BW/8/19	From point RW7 adjoining Front Street to point RW8 as shown on Section A, Sheet 2 of the access and rights of way plans
	BW/2/5	From point RW9 to point RW10 as shown on Section A, Sheet 2 of the access and rights of way plans
	BW/2/2	From point RW11 adjoining Bradney Lane to point RW12 at King Sedgemoors Drain as shown on Section A, Sheet 3 of the access and rights of way plans
	BW/2/3	From point RW13 at King Sedgemoors Drain to point RW14 adjoining the A49 as shown on Section A, Sheets 3 and 5 of the access and rights of way plans
	BW/2/13	From point RW15 adjoining the A49 to point RW16 as shown on Section A, Sheet 3 of the access and rights of way plans
	BW/2/12	From point RW16 to point RW17 adjoining the A49 as shown on Section A, Sheet 3 of the access and rights of way plans
	BW/2/44	From point RW18 adjoining Crancombe Lane to point RW19 as shown on Section A, Sheet 4 of the access and rights of way plans
	BW/28/1	From point RW20 adjoining Crancombe Lane to point RW21 adjoining the A39 as shown on Section A, Sheets 4 and 5 of the access and rights of way plans
	BW/2/46	From point RW22 at a lay-by adjacent to the A49 to point RW23 as shown on Section A, Sheet 5 of the access and rights of way plans
	BW/28/2	From point RW23 to point RW24 just south west of Puriton as shown on Section A, Sheet 5 of the access and rights of way plans
BW/37/13	From point RW25 adjacent to the B3139 to point	

<i>(1)</i> Area	<i>(2)</i> Street or public right of way to be temporarily stopped up	<i>(3)</i> Extent of temporary stopping up
		RW26 as shown on Section B, Sheets 1 and 2 of the access and rights of way plans
	BW/37/12	From point RW27 adjacent to the B3139 to point RW28 at Middle Moor Drove as shown on Section B, Sheets 1 and 2 of the access and rights of way plans
	BW/13/22	From point RW29 adjacent to the B3139 to point RW32 as shown on Section B, Sheets 2 and 3 of the access and rights of way plans
	BW/13/28	From point RW30 to point RW31 just south of Hackness Road as shown on Section B, Sheet 3 of the access and rights of way plans
	AX/23/10	From point RW33 just south of Northwick Road to point RW34 adjacent to Harp Road as shown on Section B, Sheet 7 of the access and rights of way plans
	AX/23/14	From point RW35 at Mark Yeo to point RW36 adjacent to Vole Road as shown on Section B, Sheet 9 of the access and rights of way plans
	AX/17/12	From point RW37 adjacent to Kingsway to point RW38 at Gills Lane as shown on Section B, Sheets 11 and 12 of the access and rights of way plans
	AX/21/3	From point RW39 to point RW40 as shown on Section B, Sheet 14 of the access and rights of way plans
	AX/2/15	From point RW39 on the Old River Axe to point RW41 adjacent to Biddisham Lane as shown on Section B, Sheet 14 of the access and rights of way plans
	AX/21/7	From point RW42 adjacent to the M5 to point RW43 as shown on Section B, Sheet 14 and section C, Sheet 1 of the access and rights of way plans
<b>North Somerset Council</b>	AX/29/28	From point RW44 just south of the Lox Yeo River to point RW45 adjacent to Barton Road as shown on Section C, Sheet 2 of the access and rights of way plans
	AX/3/21	From point RW46 adjacent to Max Mill Lane to point RW47 adjacent to The Rhodyate as shown on Section C, Sheet 3 of the access and rights of way plans
	AX/29/14	From point RW48 to point RW49 adjacent to Max Mill Lane as shown on Section C, Sheets 3 and 4 of the access and rights of way plans
	AX/29/16	From point RW48 to point RW50 as shown on Section C, Sheets 3 and 4 of the access and rights of way plans
	AX/3/4	From point RW50 to point RW51 adjacent to the A371 as shown on Section C, Sheets 3 and 4 of the access and rights of way plans
	AX/3/1	From point RW52 to point RW53 adjacent to the A371 as shown on Section C, Sheets 3 and 4 of the

<i>(1) Area</i>	<i>(2) Street or public right of way to be temporarily stopped up</i>	<i>(3) Extent of temporary stopping up</i>
		access and rights of way plans
	AX/3/53	From, point RW54 to point RW57 as shown on Section C, Sheets 4 and 5 of the access and rights of way plans
	AX/3/22	From point RW55 just off the A371 to point RW56 at Ilex Land as shown on Section C, Sheets 4 and 5 of the access and rights of way plans
	AX/29/48	From point RW58 to point RW59 as shown on Section D, Sheet 1 of the access and rights of way plans
	AX/29/29/48	From point RW60 on Liddy Yeo to point RW61 on Liddy Yeo as shown on Section D, Sheet 3 of the access and rights of way plans
	AX/3/42	From point RW62 adjacent to Puxton Land to point RW63 as shown on Section D, Sheets 2 and 3 of the access and rights of way plans
	AX/24/11	From point RW63 to point RW64 as shown on Section D, Sheet 2 of the access and rights of way plans
	AX/24/12	From point RW64 to point RW65 as shown on Section D, Sheet 2 of the access and rights of way plans
	AX/24/13	From point RW64 to point RW66 adjacent to Puxton Road as shown on Section D, Sheet 2 of the access and rights of way plans
	AX/3/43	From point RW65 to point RW67 adjacent to Box Bush Lane as shown on Section D, Sheet 2 of the access and rights of way plans
	AX/24/10	From point RW64 to point RW68 as shown on Section D, Sheets 2 and 3 of the access and rights of way plans
	AX/24/7A	From point RW69 adjacent to Puxton Lane to point RW70 at Oldbridge River as shown on Section D, Sheets 3, 4 and 5 of the access and rights of way plans
	AX/16/22	From point RW70 at Oldbridge River to point RW71 adjacent to Dolemoor Lane as shown on Section D, Sheet 5 of the access and rights of way plans
	AX/16/21	From point RW72 at Oldbridge River to point RW73 at Dolemoor Lane as shown on Section D, Sheet 5 of the access and rights of way plans
	AX/16/44	From point RW74 adjacent to the A370 to point RW75 just north of New Rhyne as shown on Section D, Sheets 5 and 6 of the access and rights of way plans
	LA/21/28	From point RW76 at Binhay Rhyne to point RW77 north west of Binhay Rhyne to point RW78 just south of the railway line as shown on Section D, Sheets 5 and 6 of the access and rights of way plans
	LA/21/31	From point RW79 adjacent to Little River to point



<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street or public right of way to be temporarily stopped up</i>	<i>(3)</i> <i>Extent of temporary stopping up</i>
		RW80 adjacent to Little River as shown on Section D, Sheets 6 and 7 of the access and rights of way plans
	LA/11/6	From point RW81 adjacent to Little River to point RW82 adjacent to Little River as shown on Section D, Sheet 6 of the access and rights of way plans
	LA/21/40	From point RW82 adjacent to Little River to point RW83 adjacent to Little River as shown on Section D, Sheets 6 and 7 of the access and rights of way plans
	LA/21/32	From point RW84 adjacent to Lampley Road to point RW85 adjacent to Rust Rhyne as shown on Section D, Sheet 7 of the access and rights of way plans
	LA/10/2	From point RW86 to point RW87 as shown on Section D, Sheets 7 and 8 of the access and rights of way plans
	LA/21/37	From point RW88 adjacent to River Kenn to point RW89 adjacent to River Kenn as shown on Section D, Sheets 9 and 10 of the access and rights of way plans
	LA/13/1	From point RW89 adjacent to River Kenn to point RW90 adjacent to Nailsea Wall Lane, and also from point RW91 adjacent to Nailsea Wall Lane to point RW92 north of Parish Brook to point RW93 at Parish Brook to point RW106 at Parish Brook to point RW107 adjacent to Hanham Way as shown on Section D, Sheets 9, 10, 11 and 12 of the access and rights of way plans
	LA/13/49	From point RW92 north of Parish Brook to point RW94 at North Drove Rhyne to point RW108 adjacent to Causeway as shown on Section D, Sheets 9, 10, 11 and 12 of the access and rights of way plans
	LA/13/50	From point RW93 at Parish Brook to point RW94 at North Drove Rhyne as shown on Section D, Sheet 10 of the access and rights of way plans
	LA/13/2	From point RW95 to point RW96 adjacent to Netherton Wood Lane as shown on Section D, Sheet 11 of the access and rights of way plans
	LA/13/4	From point RW97 adjacent to Engine Lane to point RW98 to point RW99 to point RW100 just off West End Lane as shown on Section D, Sheet 11 of the access and rights of way plans
	LA/13/6	From point RW98 to point RW101 as shown on Section D, Sheet 11 of the access and rights of way plans
	LA/13/5	From point RW99 to point RW101 to point RW102 adjacent to Engine Lane as shown on Section D, Sheet 11 of the access and rights of way plans
	LA/13/21	From point RW103 at Blackfriars Road to point

(1) Area	(2) Street or public right of way to be temporarily stopped up	(3) Extent of temporary stopping up
		RW104 at Hannah More Road as shown on Section D, Sheet 11 of the access and rights of way plans
	LA/13/44	From point RW105 adjacent to North Street to point RW106 at Parish Brook as shown on Section D, Sheets 11, 12 and 13 of the access and rights of way plans
	LA/13/10	From point RW110 at Godwin Drive to point RW117 adjacent to Parish Brook as shown on Section D, Sheet 13 of the access and rights of way plans
	LA/13/45	From point RW115 adjacent to Causeway to point RW116 adjacent to Parish Brook as shown on Section D, Sheets 12 and 13 of the access and rights of way plans
	LA/13/1	From point RW116 adjacent to Parish Brook to point RW117 adjacent to Parish Brook to point RW118 as shown on Section D, Sheet 13 and Section E, Sheet 1 of the access and rights of way plans
	LA/16/18	From point RW118 to point RW119 adjacent to Land Yeo to point RW120 as shown on Section D, Sheet 13 and Section E, Sheet 1 of the access and rights of way plans
	LA/16/21	From point RW119 adjacent to Land Yeo to point RW121 adjacent to Church Lane as shown on Section D, Sheet 13 and Section E, Sheet 1 of the access and rights of way plans
	LA/16/20	From point RW122 adjacent to the B3130 to point RW123 adjacent to the B3130 as shown on Section D, Sheet 13 and Section E, Sheet 1 of the access and rights of way plans
	LA/16/1	From point RW124 adjacent to the B3128 to point RW125 as shown on Section D, Sheet 13 and Section E, Sheet 1 of the access and rights of way plans
	AX/14/58	From point RW189 to point RW190 as shown on Section D, Sheet 15 of the access and rights of way plans
	AX/14/59	From point RW191 to point RW189 to point RW194 to point RW192 adjacent to the B3133 as shown on Section D, Sheet 15 of the access and rights of way plans
	AX/14/60	From point RW191 to point RW193 adjacent to the B3133 as shown on Section D, Sheet 15 of the access and rights of way plans
	AX/14/57	From point RW193 adjacent to the B3133 to point RW194 as shown on Section D, Sheet 15 of the access and rights of way plans
	LA/20/84	From point RW126 at Cadbury Camp Lane to point RW129 at Cadbury Camp Lane to point RW127 adjacent to Whitehouse Lane as shown on Section E,

<i>(1)</i> Area	<i>(2)</i> Street or public right of way to be temporarily stopped up	<i>(3)</i> Extent of temporary stopping up
		Sheets 2 and 3 of the access and rights of way plans
	LA/20/26	From point RW128 adjacent to Mogg's Wood to point RW129 at Cadbury Camp Lane as shown on Section E, Sheets 2 and 3 of the access and rights of way plans
	LA/15/24	From point RW133 adjacent to Whitehouse Lane to point RW134 at Gordano Round as shown on Section E, Sheets 2 and 3 of the access and rights of way plans
	LA/20/91	From point RW132 adjacent to Whitehouse Lane to point RW133 adjacent to Whitehouse Lane as shown on Section E, Sheets 2 and 3 of the access and rights of way plans
	LA/20/29	From point RW130 at Gordano Round to point RW131 adjacent to Whitehouse Lane as shown on Section E, Sheets 2 and 3 of the access and rights of way plans
	LA/20/56	From point RW134 at Gordano Round to point RW135 at Gordano Round to point RW136 at Gordano Round as shown on Section E, Sheets 2 and 3 of the access and rights of way plans
	LA/15/20	From point RW137A adjacent to Caswell Hill to point RW138 adjacent to Naish Hill as shown on Section E, Sheet 3 of the access and rights of way plans
	LA/15/13	From point RW139 to point RW140 as shown on Section E, Sheet 4 and Section F, Sheet 1 of the access and rights of way plans
	LA/15/15	From point RW141 to point RW142 as shown on Section F, Sheet 3 of the access and rights of way plans
	LA/15/22	From point RW143 adjacent to Sheepway to point RW144 as shown on Section F, Sheets 2 and 4 of the access and rights of way plans
	LA/8/6	From point RW157 to point RW158 as shown on Section G, Sheet 2 of the access and rights of way plans
<b>Bristol City Council</b>	BCC/17/10	From point RW159 adjacent to Avonmouth Way to point RW160 at Shirehampton Rhyne as shown on Section G, Sheet 4 of the access and rights of way plans
	BCC/6/10	From point RW160 at Shirehampton Rhyne to point RW161 adjacent to Kings Weston Lane as shown on Section G, Sheet 4 of the access and rights of way plans
	BCC/5/10	From point RW162 to point RW163 adjacent to Lawrence Weston Road as shown on Section G, Sheets 4 and 5 of the access and rights of way plans
	BCC/4/10	From point RW164 to point RW165 as shown on Section G, Sheets 5 and 6 of the access and rights of way plans

<i>(1)</i> Area	<i>(2)</i> Street or public right of way to be temporarily stopped up	<i>(3)</i> Extent of temporary stopping up
	BCC/4/20	From point RW166 adjacent to the M5 to point RW167 adjacent to Moorhouse Lane as shown on Section G, Sheets 5 and 6 of the access and rights of way plans
	BCC/554/10	From point RW168 to point RW169 as shown on Section G, Sheet 6 of the access and rights of way plans
	BCC/555/10	From point RW169 to point RW170 as shown on Section G, Sheet 6 of the access and rights of way plans
	BCC/555/20	From point RW169 to point RW171 as shown on Section G, Sheet 6 of the access and rights of way plans
	BCC/556/20	From point RW171 to point RW172 as shown on Section G, Sheet 6 of the access and rights of way plans
	BCC/555/30	From point RW171 to point RW173 adjacent to Severn Road as shown on Section G, Sheet 6 of the access and rights of way plans
<b>South Gloucestershire Council</b>	OAY/111	From point RW174 adjacent to Monk's Well Rhine to point RW175 adjacent to Severn Road as shown on Section G, Sheets 6 and 7 of the access and rights of way plans
	ORN/27	From point RW176 adjacent to Ableton Lane to point RW177 adjacent to Minor's Lane as shown on Section G, Sheets 6 and 7 of the access and rights of way plans
<b>Somerset County Council</b>	WL/23/110	From point RW178 to point RW179 as shown on Section H, Sheet 1 of the access and rights of way plans
	WL/23/70	From point RW179 to point RW181 adjacent to Wick Moor Drove to point RW180 at Wick Moor Drove as shown on Section H, Sheet 1 of the access and rights of way plans
	WL/23/71	From point RW181 adjacent to Wick Moor Drove to point RW182 as shown on Section H, Sheets 1 and 2 of the access and rights of way plans
	WL/23/61	From point RW182 to point RW184 to point RW185 as shown on Section H, Sheet 2 of the access and rights of way plans
	WL/23/60	From point RW183 north of Stogursey Brook to point RW184 as shown on Section H, Sheets 1 and 2 of the access and rights of way plans
	WL/23/62	From point RW185 to point RW186 adjacent to East Brook as shown on Section H, Sheet 2 of the access and rights of way plans
	WL/23/64	From point RW187 adjacent to East Brook to point RW188 as shown on Section H, Sheet 2 of the access and rights of way plans

## SCHEDULE 8

Article 24

### EXTINGUISHMENT OF PRIVATE RIGHTS AND RESTRICTIVE COVENANTS RELATING TO APPARATUS BELONGING TO NATIONAL GRID OR WPD REMOVED FROM LAND SUBJECT TO TEMPORARY POSSESSION

#### PART 1 NATIONAL GRID

<i>(1)</i> Area	<i>(2)</i> Plot
Sedgemoor District Council – Section A	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 14, 15, 16, 19, 23, 28, 29, 33, 34, 35, 36, 40, 41, 47, 50, 53, 54, 56, 60, 61, 62, 63, 64, 65, 70, 71, 74, 75, 78, 81, 82, 83, 84, 88, 89, 90, 91, 93 & 94
Sedgemoor District Council – Section B	4, 5, 12, 14, 15, 36, 37, 38, 39, 67, 68, 76, 78, 81, 84, 86, 89, 94, 95, 119, 120, 125, 127, 131, 140, 142, 151, 153, 159, 167, 170, 171, 172, 174, 177.1, 177.2, 178, 179, 185, 186, 187, 188, 190, 191, 193, 194, 251, 266, 269, 271, 272, 273, 274, 277, 278, 279, 280, 281, 285, 286, 288, 392, 393, 394, 397, 399, 400, 401, 402, 403, 404, 406, 407, 408, 411, 412, 413, 417, 419, 420, 421, 422, 423, 424, 425, 426, 434, 454, 461, 462, 463, 465, 470, 471, 472, 477, 481, 482, 485, 491, 492, 495, 499, 500, 501, 510, 513, 527, 531, 532, 533, 537, 538, 543, 546, 547, 591, 603.1, 603.2, 603.3, 611, 612, 615, 619, 620, 625, 627, 631, 641, 654, 660, 676, 677 & 678
Sedgemoor District Council – Section C	1, 2 & 18
Sedgemoor District Council and North Somerset Council – Section C	29 & 30
North Somerset Council – Section C	41, 50, 51, 58, 59, 62, 68, 83, 84, 85, 86, 88, 89, 93, 94, 98, 108, 111, 112, 116, 136, 137, 147, 158, 159, 169, 187, 188, 189, 190, 191, 205, 206, 207, 209, 212, 213, 214, 215, 216, 217, 227, 228, 231, 240, 242, 247, 251, 252, 253, 271, 272, 282, 283, 284 & 285
North Somerset Council – Section D	7, 8, 9, 10, 11, 12, 13, 19, 22, 26, 27, 32, 38, 39, 53, 61, 62, 76, 106, 112.1, 112.2, 112.3, 115, 117, 173, 177, 178, 179, 180, 183, 185, 186, 187, 188, 189, 193, 194, 197, 198, 203, 205, 210, 211, 212, 213, 229, 232, 248, 249, 252, 253, 254, 278, 279, 283, 284, 285, 288, 289, 290, 296, 297, 304, 306, 308, 318.1, 318.2, 319, 321, 329, 339, 341, 345, 349, 351, 361, 367, 371, 372, 492, 522, 529, 530, 544.1, 544.2, 545, 548, 557, 558, 559, 561, 566, 567, 571, 572, 573, 575, 591, 594, 595, 596, 602, 604, 605, 606, 611, 612, 615, 616, 617, 620, 621, 622, 623, 625, 628, 629, 630, 631, 633, 636, 660.1, 660.2, 660.3, 660.4, 660.5, 661, 662, 663.1, 663.2, 664, 665, 666, 667, 668, 669, 670, 672, 673, 674, 675, 677, 678, 768, 769, 770, 777, 780, 781.1, 781.2, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 827, 828, 832, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859,

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Plot</i>
	860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 884, 885, 886, 900, 901, 902, 903, 904, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 943, 944, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 999 & 1000
North Somerset Council – Section E	11, 13, 23, 30, 45, 54, 66, 68, 70, 79, 96, 97, 98, 99.1, 99.2, 100.1, 100.2, 101, 115, 116, 119, 120, 135, 142, 143, 155, 168, 169, 170, 171, 174, 175, 207 & 208
North Somerset Council – Section F	5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 24, 25, 26, 27, 28, 31, 32, 33, 37, 46, 48, 57, 64, 72, 76, 79, 88, 89, 90, 138, 140, 141, 142, 143, 144, 145, 146, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 166, 200, 201, 214.1, 214.2, 218, 219.1, 219.2, 222, 223, 224, 225, 228, 229, 232, 234, 235, 240, 243, 249, 253, 255, 258, 276, 278, 282, 284, 293 & 298
North Somerset Council – Section G	39.1, 39.2, 42, 43, 111 & 138
North Somerset Council and Bristol City Council – Section G	139
Bristol City Council – Section G	143, 144, 145, 146, 147.1, 147.2, 148, 248, 249, 250, 251, 252.1, 252.2, 253, 254, 255, 256, 257, 258, 259, 260, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274.1, 274.2, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 359, 398, 402, 403, 405, 437, 438, 439, 440, 474, 475, 476, 477, 478, 479, 480, 481, 482, 498, 502, 504, 517, 518, 519 & 565
West Somerset District Council – Section H	82, 83, 84, 85, 86, 87 & 88

## PART 2

### WESTERN POWER DISTRIBUTION

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Plot</i>
Sedgemoor District Council – Section A	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 14, 15, 16, 19, 23, 28, 29, 33, 34, 35, 36, 40, 41, 47, 50, 53, 54, 56, 60, 61, 62, 63, 64, 65, 70, 71, 74, 75, 78, 81, 82, 83, 84, 88, 89, 90, 91, 93 & 94
Sedgemoor District Council – Section B	4, 5, 8, 9, 12, 14, 15, 36, 37, 38, 39, 76, 78, 81, 84, 86, 119, 120, 125, 126, 127, 131, 132, 133, 134, 135, 140, 142, 151, 153, 159, 160, 167, 170, 171, 172, 174, 177.1, 177.2, 178, 179, 185, 186, 187, 188, 190, 191, 193, 194, 251, 252, 253, 254, 266, 269, 271, 272, 273, 274, 277, 278, 279, 280, 281, 285, 286, 288, 370, 371, 378, 380, 383, 385, 386, 392, 393, 394, 397, 399, 400, 401, 402, 403, 404, 406, 407, 408, 411, 412, 413, 417, 419, 420, 421, 422, 423, 424, 425, 426, 434, 454, 455, 461, 462, 463, 465, 470, 471, 472, 476, 477, 481, 482, 485, 491, 492, 494, 495, 498, 499, 500, 501, 510, 513, 514, 527, 528, 530, 531, 532,

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Plot</i>
	533, 534, 535, 537, 538, 540, 542, 543, 545, 546, 547, 548, 551, 558, 560, 568, 572, 578, 579, 587, 588, 589, 591, 602, 603.1, 603.2, 603.3, 604.1, 604.2, 611, 612, 615, 619, 620, 625, 626, 627, 630, 631, 641, 654, 659, 660, 666, 676, 677 & 678
Sedgemoor District Council – Section C	1, 2, 14 & 18
Sedgemoor District Council and North Somerset Council – Section C	29 & 30
North Somerset Council – Section C	41, 50, 51, 58, 59, 62, 68, 83, 84, 85, 86, 88, 89, 93, 94, 98, 108, 111, 112, 116, 136, 137, 147, 152, 153, 156, 157, 158, 159, 166, 169, 180, 187, 188, 189, 190, 191, 205, 206, 207, 209, 212, 213, 214, 215, 216, 217, 227, 228, 231, 240, 242, 244, 247, 248, 251, 252, 253, 271, 272, 276, 282, 283, 284 & 285
North Somerset Council – Section D	7, 8, 9, 10, 11, 12, 13, 17, 19, 22, 26, 27, 30, 32, 38, 39, 53, 54, 55, 56, 61, 62, 66, 68, 75, 76, 88, 89, 106, 112.1, 112.2, 112.3, 115, 117, 118, 173, 177, 178, 179, 180, 183, 185, 186, 187, 188, 189, 190, 192, 193, 194, 196, 197, 198, 199, 203, 204, 205, 210, 211, 212, 213, 229, 231, 232, 236, 237.1, 237.2, 240, 247, 248, 249, 251, 252, 253, 254, 255, 278, 279, 283, 284, 285, 286, 288, 289, 290, 296, 297, 304, 306, 308, 318.1, 318.2, 319, 321, 329, 339, 341, 345, 348, 349, 351, 352, 361, 367, 371, 372, 391, 394, 413, 416, 419, 422, 424, 430, 434, 438, 452, 453, 455, 464, 484, 485, 492, 494, 504, 506, 511, 514, 517, 521, 522, 529, 530, 544.1, 544.2, 545, 548, 557, 558, 559, 560, 561, 566, 567, 571, 572, 573, 574, 575, 591, 592, 593, 594, 595, 596, 602, 604, 605, 606, 611, 612, 613, 615, 616, 617, 620, 621, 622, 623, 625, 628, 629, 630, 631, 633, 636, 660.1, 660.2, 660.3, 660.4, 660.5, 661, 662, 663.1, 663.2, 664, 665, 666, 667, 668, 669, 670, 672, 673, 674, 675, 677, 678, 764, 765, 768, 769, 770, 771, 775, 776, 777, 780, 781.1, 781.2, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 827, 828, 832, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 884, 885, 886, 900, 901, 902, 903, 904, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 943, 944, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 999 & 1000
North Somerset Council – Section E	11, 13, 14, 16, 19, 23, 29, 30, 44, 45, 54, 57, 65, 66, 68, 70, 77, 78, 79, 93, 95.1, 95.2, 96, 97, 98, 99.1, 99.2, 100.1, 100.2, 101, 115, 116, 119, 120, 126, 127, 128, 135, 136, 142, 143, 145, 155, 159, 168, 169, 170, 171, 174, 175, 207, 208, 209 & 210
North Somerset Council – Section F	5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 24, 25, 26, 27, 28, 31, 32, 33, 37, 39, 46, 47, 48, 57, 58, 59, 64, 69, 72, 74, 76, 78, 79, 81, 82, 83, 84, 88, 89, 90, 91, 138, 139, 140, 141, 142, 143, 144, 145, 146, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 166, 167, 168, 169, 170, 172, 199, 200, 201, 214.1, 214.2, 218, 219.1, 219.2, 222, 223, 224, 225, 228, 229, 232, 234, 235, 240, 243, 249, 253, 255, 258, 276, 278, 282, 284, 285, 293, 298, 302, 304 & 320
North Somerset Council – Section G	38, 39.1, 39.2, 42, 43, 45, 46, 47.1, 47.2, 48, 52, 53, 57, 58.1, 58.2, 59, 61, 64, 65, 69, 84, 107, 108, 111, 116, 118, 134, 137 & 138

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Plot</i>
North Somerset Council and Bristol City Council – Section G	139
Bristol City Council – Section G	143, 144, 145, 146, 147.1, 147.2, 148, 151, 248, 249, 250, 251, 252.1, 252.2, 253, 254, 255, 256, 257, 258, 259, 260, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274.1, 274.2, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 359, 378, 398, 402, 403, 405, 437, 438, 439, 440, 474, 475, 476, 477, 478, 479, 480, 481, 482, 498, 499, 500, 501, 502, 503, 504, 514, 515, 517, 518, 519, 565 & 599



## DEEMED MARINE LICENCE

## PART 1

## INTRODUCTORY

**Interpretation****1.—(1) In this licence—**

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

“the 2009 Act” means the Marine and Coastal Access Act 2009(b);

“authorised development” has the meaning given in paragraph 4;

“Environmental Statement” means the environmental statement (May 2014 – Documents 5.1 to 5.7.3.13, 5.8.1 to 5.19, 5.22.1, 5.22.2.1 to 5.22.3, 5.23.1 to 5.23.4, and 5.24), the environmental statement advertisement for consultation on increased pylon height within Bristol Port, Avonmouth (June 2015 - Document 5.34.2), the National Grid’s report of environmental statement sensitivity test advertisement (March 2015 – Document 8.8) and the documents contained in or named in the consolidated errata and changes (June 2015 – Document 5.30.B.1, 5.30.B.2 and 5.30.B.3) submitted by National Grid to support its application, as set out in the Guide to the Application Document 1.7I including Document 5.21.2A incorrectly referred to as superseded, Document 5.22.1A referred to as the latest when it is supplementary, but excluding Document 5.27 which does not form part of the Environmental Statement;

“licence holder” means the undertaker and any agent, contractor or sub-contractor acting on its behalf;

“licensed activity” means any activity described in Part 2 of this licence;

“maintain” includes inspect, repair, adjust, alter, remove, reconstruct or replace the authorised development, provided such works do not give rise to any materially new or materially different environmental effects to those identified in the Environmental Statement, and any derivative of “maintain” must be construed accordingly;

“mean high water springs” means the average of high water heights occurring at the time of the spring tides;

“MMO” means the Marine Management Organisation;

“Public Rights of Navigation Plan” means the plan listed in Part 4 of Schedule 2 (plans) to the Order and certified as the Public Rights of Navigation Plan by the Secretary of State under article 44 of the Order

“the Order” means the National Grid (Hinkley Point C Connection Project) Order 2016;

“SAC habitat” means the habitat within a Special Area of Conservation entered in the Register of European Sites, held by the Department for Environment, Food and Rural Affairs;

“the undertaker” means National Grid Electricity Transmission plc (registered company number 2366977);

“vessel” means every description of vessel, however propelled or moved, and includes a non-displacement craft, a personal watercraft, a barge, a jack up barge, a seaplane or helicopter on

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(a) 2008 c. 29.

(b) 2009 c. 23.

the surface of the water, a hydrofoil vessel, a hovercraft or any other amphibious vehicle and any other thing constructed or adapted for movement through, in or over water and which is at the time in, on or over water.

“Works Plans” means the plans listed in Part 8 of Schedule 2 (plans) to the Order and certified as the Works Plans by the Secretary of State under article 44 of the Order, references to a particular Works Plan must be construed accordingly

(2) Unless otherwise specified, all geographical co-ordinates given in this Schedule are in latitude and longitude degrees and minutes to two decimal places.

### Addresses

2.—(1) Unless otherwise advised in writing by the MMO, the address for postal correspondence with the MMO for the purposes of this licence is the Marine Management Organisation, Marine Licensing Team, Lancaster House, Newcastle Business Park, Newcastle upon Tyne, NE4 7YH and where contact to the MMO Local Office is required, the following contact details should be used: The Fish Quay, Sutton Harbour, Plymouth, Devon PL4 0LH, Tel: 01752 228 001 Fax: 01752 221 239.

(2) Unless otherwise advised in writing by the MMO, the address for electronic communication with the MMO for the purposes of this licence is [marine.consent@marinemanagement.org.uk](mailto:marine.consent@marinemanagement.org.uk) and where contact to the MMO Local Office is required, the following address should be used: [plymouth@marinemanagement.org.uk](mailto:plymouth@marinemanagement.org.uk).

## PART 2

### LICENSED ACTIVITIES

3. Subject to the licence conditions in Part 4 of this licence, this licence authorises the licence holder to carry out any licensable marine activities under section 66(1) of the 2009 Act which involve the construction, alteration or improvement of any works in or over the sea or on or under the sea bed and which—

- (a) form part of the authorised development; and
- (b) are not exempt from requiring a marine licence by virtue of any provision made under section 74 of the 2009 Act.

4. In this licence, “authorised development” means—

- (a) Work No. 1G – LD, as set out in Schedule 1 to the Order, concerning the route south of River Avon to Seabank Substation, namely—
  - (i) Works to construct a 400kV overhead electric line, between pylon P-LD106 and Seabank 400kV Substation. The route is 8.3km in length commencing at pylon P-LD106 on Works Plan section G sheet 2 and terminating at Seabank 400kV Substation on Works Plan section G sheet 7 and consists of 27 pylons and the installation of conductors, insulators and fittings.
  - (ii) The works include installation and construction of a temporary site compound along the route of the overhead electric line, as shown on Works Plan section G sheet 3, containing welfare facilities, material lay down and parking areas.
- (b) Any other development authorised by the Order, which is development within the meaning of section 32 of the 2008 Act, and more particularly the installation of a 400kV overhead electric line, in the vicinity of, and over, the River Avon as is shown hatched on Section G, Sheet 1 of the Public Rights of Navigation Plan.

## PART 3

### ENFORCEMENT

5. Any breach of this licence does not constitute a breach of the Order but is subject to the enforcement regime in Chapter 3 of Part 4 of the 2009 Act as a licence deemed to have been granted under section 149A of that Act.

## PART 4

### CONDITIONS

6. For such of the licensable marine activities that involve the construction, alteration or improvement of works in or over the sea or on or under the sea bed, the conditions below apply to any person who for the time being owns, occupies or enjoys any use of those works.

7. Should the licence holder become aware that any of the information on which the granting of this licence was based has changed or is likely to change, the licence holder must notify the MMO at the earliest opportunity.

#### **Prior to the commencement of the works**

8.—(1) The licence holder must submit a detailed method statement at least 20 business days prior to the commencement of the first licensed marine activity for approval by the MMO.

(2) The authorised development must be undertaken in accordance with the approved method statement.

9. The licence holder must inform the MMO and Environment Agency in writing of the intended start date and the likely duration of licensed activities on a site at least 10 business days prior to the commencement of the first licensed marine activity.

10. The licence holder must ensure that it inform the MMO in writing of all contractor and vessel details at least 10 business days prior to commencement of any licensed marine activity.

11. The licence holder must inform the MMO Local Office in writing of the timetable of the licensed activities at least 10 business days prior to commencement of any licensed marine activity.

12. The licence holder must inform the relevant harbour authorities in writing of the licensed marine activities (including timetable, contractor and vessel details) at least 20 business days prior to commencement of any licensed activity. The contact details are as follows—

(1) Marine Department, The Bristol Port Company, Avonmouth Docks, Avonmouth, Bristol BS11 9AT, marine.admin@bristolport.co.uk, Tel: 0117 982 0000

(2) Bristol City Docks, Harbour Office, Underfall Yard, Cumberland Road, Bristol BS1 6XG, harbour.office@bristol.gov.uk, Tel: 0117 903 1484, 0117 903 1487.

#### **Upon commencement of the works**

13. Should vessels be used on the surface of the water, temporary ground protection in the form of trackway or similar must be used to protect the salt marsh SAC habitats when taking the pilot bonds to the vessels.

14. Should vessels be used on the surface of the water: the vessels must only be used at periods of high tide to avoid disturbing intertidal habitats.

15. The licence holder must ensure that any coatings and treatments used are approved by the Health and Safety Executive as suitable for use in the marine environment and are used in accordance with Environment Agency Pollution Prevention Guidelines.

**16.** The licence holder must ensure suitable bunding or storage facilities are employed to prevent the release of fuel oils, lubricating fluids and chemicals associated with vessels, plant and equipment into the marine environment.

**17.** The licence holder must ensure that any oil, fuel or chemical spill within the marine environment is reported to the MMO, Marine Pollution Response Team—

Within Office hours: 0870 785 1050

Outside Office hours: 07770 977 825

At all times if other numbers out of order 0845 051 8486

Email: dispersants@marinemanagement.org.uk

**18.** Any construction materials that are misplaced below mean high water springs and cannot be recovered must be located and their position notified to the MMO Local Office and the MMO as deemed Licensing Authority within 48 hours.

**19.** The licence holder must ensure that the MMO Local Office is notified in writing of the completion of the works within 10 business days following the completion of any of the works.

**20.** The licence holder must ensure that any equipment, temporary structures, waste and debris associated with the works are removed within 20 business days of completion of any of the works.

**21.—(1)** The licence holder must ensure that if maintenance is required which involves a licensable marine activity (“marine licensable maintenance works”), a methodology for such maintenance must be submitted to the MMO for agreement in writing at least 28 business days prior to commencement of any maintenance works amounting to licensable marine activity.

(2) No marine licensable maintenance works referred to in paragraph 21(1) may commence without prior written approval from the MMO.

(3) This condition does not apply to maintenance works which are taken in an emergency, in accordance with section 86 of the 2009 Act.

## 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 or imposition of a restriction as they apply as respects compensation on the compulsory purchase of land and interests in land.

**2.—(1)** Without limitation on the scope of paragraph (1), the Land Compensation Act 1973(a) has effect subject to the modifications set out in sub-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 “land is acquired or taken from” substitute “a right or restrictive covenant over land is purchased from or imposed on”; and
- (b) for “acquired or taken from him” substitute “over which the right is exercisable or the restrictive covenant enforceable”.

(3) For section 58(1)(b) (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 substitute—

“(1) In determining under section 8(1) or 34(2) of the Compulsory Purchase Act 1965, or section 166(2) of the Town and Country Planning Act 1990 whether—

- (a) a right over or a restrictive covenant affecting land consisting of a house, building or manufactory can be taken or imposed without material detriment or damage to the house, building or manufactory; or
- (b) a right over or a restrictive covenant affecting land consisting of a park or garden belonging to a house can be taken or imposed without seriously affecting the amenity or convenience of the house,

the Upper Tribunal must take into account not only the effect of the acquisition of the right or imposition of the restrictive covenant but also the use to be made of the right or restrictive covenant proposed to be acquired or imposed, and, in a case where the right or restrictive covenant is proposed to be acquired or imposed for works or other purposes extending to other land, the effect of the whole of the works and the use to be made of the other land.”.

### 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 must be

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(a) 1973 c. 26.

(b) Section 58(1) was amended by section 16(3) of, and Schedule 5 to, the Compulsory Purchase (Vesting Declarations) Act 1981 (c. 66), section 4 of, and paragraph 29(1) of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c. 11) and S.I. 2009/1307.

read (according to the Requirements of the particular context) as referring to, or as including references to—

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

(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 or, in relation to the imposition of a restriction, with the modifications specified in the following provisions of this Schedule.

**4.** For section 7 of the 1965 Act (measure of compensation) substitute—

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

**5.** For section 8 of the 1965 Act (provisions as to divided land) substitute—

“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 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 National Grid (Hinkley Point C Connection Project) Order 2016 (“the Order”) ceases, in relation to that person, to authorise the purchase of the right or imposition of a restriction 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 must be determined by the Tribunal.

(3) Where in consequence of a determination of the Tribunal that it is satisfied as mentioned in subsection (1) 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),

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

**7.** Section 11(a) of the 1965 Act (powers of entry) is modified to secure that, as from the date on which the acquiring authority has served notice to treat in respect of any right or restriction, 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(b) (penalty for unauthorised entry) and 13(c) (entry on warrant in the event of obstruction) of the 1965 Act are modified correspondingly.

**8.** Section 20(d) 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 as to enable the acquiring authority, in circumstances corresponding to those referred to in that section, to continue to be entitled to exercise the right acquired or to enforce the restriction imposed, subject to compliance with that section as respects compensation.

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

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

(c) Section 13 was amended by sections 62(3), 139(4) to (9) and 146 of, and paragraphs 27 and 28 of Schedule 13 and Part 3 of Schedule 23 to, the Tribunals, Courts and Enforcement Act 2007 (c. 15).

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

## SCHEDULE 11

Article 19

### LAND WHICH MAY BE COMPULSORILY ACQUIRED

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Plot number of land shown on Land Plans</i>
Sedgemoor District Council – Section A	162 & 175
Sedgemoor District Council – Section B	637 & 645
North Somerset Council – Section D	29, 30, 74, 75, 118 & 119
Bristol City Council – Section G	599 & 600



## SCHEDULE 12

Articles 29 and 30

### LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

#### PART 1

#### NATIONAL GRID

#### Sedgemoor District Council – Section A

<i>(1)</i> <i>Plot number of land shown on Land Plan</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>	<i>(4)</i> <i>Element of Work in respect of which land is not required to be re-instated</i>
1, 3, 4, 6, 7, 8, 9, 14, 15, 19, 29, 34, 35, 36, 41, 50, 56, 60, 61, 63, 64, 65, 70, 71, 74, 81, 82, 88, 91 & 94	Dismantling of redundant infrastructure	Work No. 4B	
2, 5, 10, 16, 23, 28, 33, 40, 47, 53, 54, 62, 75, 78, 83, 84, 89, 90 & 93	Dismantling of redundant infrastructure	Work No. 4B	Removal of pylon foundations only to a depth of 1 metre
11, 12, 13, 17, 18, 20, 21, 22, 24, 25, 26, 27, 30, 31, 32, 37, 38, 39, 42, 43, 44, 45, 46, 48, 49, 51, 52, 55, 57, 58, 59, 66, 67, 68, 69, 72, 73, 76, 77, 79, 80, 85, 86, 87, 92, 97, 98, 101, 157 & 158	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Work No. 4B	
95, 96, 99, 100, 102, 103, 104, 107, 109, 112, 122, 124, 127, 129, 130, 153, 156 & 160	Construction of authorised development	Work No. 1B	
111, 118, 119, 137, 138, 146, 147, 148, 150, 151, 152 & 155	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Work No. 1B	
165, 167, 168, 171, 173 & 176	Construction of authorised development	Works Nos. 1A and 2A	
163, 164 & 166	Access to land for the purpose of carrying out the authorised development including the power to carry out	Works Nos. 1A and 2A	

<i>(1) Plot number of land shown on Land Plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
	any ancillary works necessary to facilitate that access		
177, 178, 179 & 180	Construction of authorised development	Work No. 1A	

**Sedgemoor District Council – Section B**

<i>(1) Plot number of land shown on Land Plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
2, 3, 7, 25, 26, 27, 28, 30, 31, 48, 49, 50, 57 & 72	Construction of authorised development	Work No. 1B	
4, 14, 36, 38, 39, 120, 125, 127, 131, 142, 159, 167, 171, 172, 174, 177.2, 178, 186, 187, 190, 193, 194, 251, 273, 274, 278, 279, 281, 286, 392, 394, 399, 400, 401, 402, 403, 404, 407, 411, 412, 417, 420, 421, 422, 423, 425, 434, 462, 463, 465, 470, 471, 472, 481, 485, 491, 495, 499, 500, 513, 531, 532, 533, 538, 543, 546, 547, 603.2, 603.3, 619, 625, 631, 660, 677 & 678	Dismantling of redundant infrastructure	Work No. 4B	
5, 12, 15, 37, 76, 119, 140, 151, 170, 177.1, 179, 185, 188, 191, 266, 269, 271, 272, 277, 280, 285, 288, 393, 397, 406, 408, 413, 419, 424, 426, 454, 461, 477, 482, 492, 501, 510, 527, 537, 591, 603.1, 620, 627, 641, 654 & 676	Dismantling of redundant infrastructure	Work No. 4B	Removal of pylon foundations only to a depth of 1 metre
11, 16, 17, 40, 121, 122, 138, 139, 165, 166, 168, 169, 173, 175, 176, 180, 181, 182, 183, 184, 189, 192, 255, 267, 268,	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works	Work No. 4B	

<i>(1) Plot number of land shown on Land Plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
270, 275, 276, 282, 283, 284, 287, 395, 396, 398, 405, 409, 410, 414, 415, 416, 418, 427, 459, 460, 464, 466, 478, 483, 484, 486, 496, 508, 509, 512, 621, 642, 653, 675 & 679	necessary to facilitate that access		
13, 18, 22, 23, 24, 45 & 46	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Works Nos. 1B and 4B	
44 & 47	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Work No. 1B	
58, 59, 60, 69, 70 & 71	Construction of authorised development	Works Nos. 1B and 1C	
65, 66, 67, 68, 74, 75, 77, 87, 90, 93, 98, 103 & 104	Construction of authorised development	Work No. 1C	
73, 82 & 83	Construction of authorised development	Works Nos. 1B, 1C and 4B	
78, 79, 80, & 84	Construction of authorised development	Works Nos. 1C and 4B	
81 & 86	Construction of authorised development	Works Nos. 1C and 4B	Removal of pylon foundations only to a depth of 1 metre
85, 88, 89, 91, 92, 94, 95, 99 & 100	Construction of authorised development	Works Nos. 1C and 1D	
102, 108, 109, 111, 112, 113, 117, 199, 201, 202, 203, 206, 207, 210, 213, 214, 297, 298, 299, 302, 303, 306, 308, 309, 313, 316, 317, 318, 319, 321, 326, 330, 337, 339, 340, 342,	Construction of authorised development	Work No. 1D	

<i>(1) Plot number of land shown on Land Plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
343, 344, 348, 350, 351, 354, 355, 356, 357, 374, 376, 436, 438, 440, 441, 442, 443, 446, 448, 451, 452, 517, 519, 521, 522, 523, 575, 577, 583, 590, 592, 594.1, 594.2, 601.1, 601.2, 605.1, 605.2, 605.3, 606.1, 606.2, 608.1, 608.2, 610, 613, 635 & 639			
118, 154, 156, 488, 489, 518 & 520	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Works Nos. 1D and 4B	
148, 149, 152, 197, 198, 200, 204, 205, 222, 223, 231, 245, 292, 294, 295, 311, 312, 314, 322, 324, 362, 363, 364 & 447	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Work No. 1D	
153	Dismantling of redundant infrastructure	Works Nos. 1D and 4B	
155, 157, 158, 163, 164, 502, 503, 507, 516, 582, 618 & 640	Construction of authorised development	Works Nos. 1D and 4B	
593, 595 & 596	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Works Nos. 1D, 2B, 2C and 4B	
597	Construction of authorised development	Works Nos. 1D, 2B, 2C and 4B	
599	Construction of authorised development	Works Nos. 1D, 2B, 2D and 4B	
611 & 612	Construction of authorised development	Works Nos. 2B, 2D and 4B	Removal of pylon foundations only to a depth of 1 metre

<i>(1) Plot number of land shown on Land Plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
614, 615 & 616	Construction of authorised development	Works Nos. 1D, 2B and 4B	
643, 652, 665, 681 & 682	Construction of authorised development	Works Nos. 2B and 4B	
636, 646, 651, 655, 661, 669.1, 669.2, 671, 673, 674, 680, 683, 685, 688 & 689	Construction of authorised development	Work No. 2B	

**Sedgemoor District Council and North Somerset Council – Section B**

<i>(1) Plot number of land shown on Land Plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
664	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Work No. 4B	

**Sedgemoor District Council – Section C**

<i>(1) Plot number of land shown on Land Plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
1 & 2	Dismantling of redundant infrastructure	Work No. 4B	
3, 4, 5, 7, 10, 11, 12, 16 & 17	Construction of authorised development	Work No. 2B	
18	Dismantling of redundant infrastructure	Work No. 4B	Removal of pylon foundations only to a depth of 1 metre

**Sedgemoor District Council and North Somerset Council – Section C**

<i>(1) Plot number of land shown on Land Plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
19 & 27	Construction of authorised development	Work No. 2B	
29 & 30	Dismantling of redundant infrastructure	Work No. 4B	

**North Somerset Council – Section C**

<i>(1)</i> <i>Plot number of land shown on Land Plan</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>	<i>(4)</i> <i>Element of Work in respect of which land is not required to be re-instated</i>
28, 31, 32, 36, 38, 39, 40, 42, 45, 46, 48, 49, 52, 57, 60, 63, 67, 69, 70, 79, 80, 81, 82, 87, 90, 92, 95, 97, 100, 104, 105, 107, 109, 110, 113, 114, 117, 118, 120, 121, 124, 126, 127, 130, 131, 133, 135, 138, 144, 146, 148, 149, 150, 155, 163, 164, 168, 170, 173, 175, 177, 178, 192, 194, 195, 197, 198, 200, 201, 203, 204, 218, 219, 220, 221, 223, 224, 226, 229, 230, 232, 237, 239, 241, 243, 246, 250, 254, 255, 266, 269, 270, 273, 275 & 278	Construction of authorised development	Work No. 2B	
41, 51, 58, 59, 62, 83, 84, 85, 86, 88, 89, 93, 94, 98, 108, 111, 136, 137, 187, 188, 189, 190, 191, 207, 212, 213, 214, 215, 216, 227, 228, 231, 252, 253, 271, 282, 283, 284 & 285	Dismantling of redundant infrastructure	Work No. 4B	
43, 233 & 256	Construction of authorised development	Works Nos. 2B and 4B	
50, 68, 112, 116, 147, 158, 159, 169, 205, 206, 209, 217, 240, 242, 247, 251 & 272	Dismantling of redundant infrastructure	Work No. 4B	Removal of pylon foundations only to a depth of 1 metre
181, 184, 185, 186, 208, 210 & 211	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Work No. 4B	

**North Somerset Council – Section D**

<i>(1)</i> <i>Plot number of land shown on Land Plan</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>	<i>(4)</i> <i>Element of Work in respect of which land is not required to be re-instated</i>
1, 2, 5, 6, 14, 16, 18, 58, 59.1, 59.2, 60 & 64	Construction of authorised development	Work No. 2B	
7, 8, 9, 11, 12, 13, 112.1, 112.2, 112.3, 115, 117, 188, 189, 197, 203, 205, 210, 211, 213, 229, 248, 249, 253, 254, 278, 279, 283, 284, 285, 289, 290, 296, 304, 306, 318.1, 318.2, 319, 321, 329, 341, 349, 351, 367, 372, 492, 529, 544.1, 544.2, 548, 557, 558, 559, 561, 566, 567, 571, 572, 575, 591, 594, 595, 602, 604, 605, 611, 612, 615, 616, 620, 621, 623, 672, 674, 675, 677, 678, 828, 900, 901, 902, 904, 961, 962, 963, 964, 965, 966, 967, 968, 969 & 970	Dismantling of redundant infrastructure	Work No. 4B	
10, 76, 106, 187, 194, 198, 212, 232, 252, 288, 297, 308, 339, 345, 361, 371, 522, 530, 545, 573, 596, 606, 617, 622, 673, 827, 832 & 903	Dismantling of redundant infrastructure	Work No. 4B	Removal of pylon foundations only to a depth of 1 metre
19	Construction of authorised development	Works Nos. 4B and 4C	Removal of pylon foundations only to a depth of 1 metre
20	Construction of authorised development	Works Nos. 4B and 4C	
21, 23, 24, 27, 28, 31, 33, 34, 35, 40, 41, 42, 43, 44, 45, 46 & 48	Construction of authorised development	Work No. 4C	
22, 38 & 39	Dismantling of redundant infrastructure	Work No. 4C	
25 & 47	Access to land for the purpose of carrying out the authorised development including the power to carry out	Work No. 4C	

<i>(1)</i> <i>Plot number of land shown on Land Plan</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>	<i>(4)</i> <i>Element of Work in respect of which land is not required to be re-instated</i>
	any ancillary works necessary to facilitate that access		
26 & 32	Construction of authorised development	Work No. 4C	Removal of pylon foundations only to a depth of 1 metre
50 & 51	Construction of authorised development	Works Nos. 2B, 3A and 3B	
52, 63, 70 & 73	Construction of authorised development	Works Nos. 2B and 3A	
53 & 61	Construction of authorised development	Works Nos. 2B, 3A and 4B	
62	Construction of authorised development	Works Nos. 2B, 3A and 4B	Removal of pylon foundations only to a depth of 1 metre
77, 78, 79, 80, 102, 120 & 121	Construction of authorised development	Work No. 3A	
84, 85, 90, 92, 95, 214, 307, 309, 310, 334.1, 334.2, 335, 368, 377, 378, 380, 381, 382, 406, 540, 541, 580, 581, 680, 681, 682, 684, 687, 698, 758, 759 & 761	Construction of authorised development	Work No. 1E	
86, 208, 218, 226, 303, 317, 320, 322, 323, 324, 325, 344, 358, 362, 365, 366, 546, 547, 562, 564, 576, 597, 598, 599, 600, 601, 603, 618, 619, 676 & 826	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Work No. 4B	
91, 256, 259, 266, 273, 275, 276, 316, 330, 374, 375, 403, 404, 405, 412, 470.1, 470.2, 471.1, 471.2, 475, 476, 480, 488, 489, 493, 495, 549, 551 & 552	Construction of authorised development	Works Nos. 1E and 4B	
94, 96.1 & 96.2	Construction of authorised development	Works Nos. 1E and 4A	
104, 105.1, 105.2, 105.3, 110, 111.1, 111.2, 122, 123, 126, 127, 129, 130, 133,	Construction of authorised development	Work No. 4A	



(1) <i>Plot number of land shown on Land Plan</i>	(2) <i>Purpose for which temporary possession may be taken</i>	(3) <i>Relevant part of the authorised development</i>	(4) <i>Element of Work in respect of which land is not required to be re-instated</i>
153, 156, 159, 160, 161, 162, 165, 169, 172, 175 & 176			
131, 140, 141, 148, 163, 166, 167, 170, 181, 182 & 184	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Work No. 4A	
173, 178, 179, 180, 185, 186 & 193	Dismantling of redundant infrastructure	Work No. 4A	
177	Construction of authorised development	Work No. 4A	Removal of pylon foundations only to a depth of 1 metre
183	Dismantling of redundant infrastructure	Work No. 4A	Removal of pylon foundations only to a depth of 1 metre
233, 235, 538, 588, 589, 607, 608, 685, 696, 700, 706, 710, 712, 713, 821, 823, 824, 974, 975 & 977	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Work No. 1E	
246, 263, 264, 268, 269, 270.1, 270.2, 271, 272, 299.1, 299.2, 301.1, 301.2, 302, 332.1, 332.2, 333, 337, 338, 369, 370, 373, 384, 386, 398, 399, 402, 407, 408.1, 408.2, 411, 436, 441, 447, 459, 460, 461, 462, 469, 472, 474, 477, 478, 531, 550, 555 & 556	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Works Nos. 1E and 4B	
326, 327, 328, 331, 563 & 565	Construction of authorised development	Work No. 4B	
624, 783, 784, 785 & 833	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Works Nos. 4B and 4D	

<i>(1)</i> <i>Plot number of land shown on Land Plan</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>	<i>(4)</i> <i>Element of Work in respect of which land is not required to be re-instated</i>
625, 628, 629, 630, 636, 660.1, 660.2, 660.3, 660.4, 660.5, 661, 662, 663.1, 663.2, 664, 665, 666, 667, 668, 669, 768, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 874, 875, 876, 877, 878, 879, 880, 881, 882, 884, 885, 886, 906, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 943, 944, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958 & 959	Dismantling of redundant infrastructure	Work No. 4D	
626.1, 626.2, 627, 634, 635, 637, 643, 648, 649, 658, 659, 723, 729, 731, 737, 739, 740, 741, 742, 743, 744, 745, 748, 750, 752, 753, 754, 829, 831, 834, 887, 888, 889, 945, 946, 948, 978, 979 & 980	Construction of authorised development	Work No. 4D	
631, 633, 670, 769, 835, 873 & 907	Dismantling of redundant infrastructure	Work No. 4D	Removal of pylon foundations only to a depth of 1 metre
632, 639, 640, 641, 642, 650, 651, 671, 905	Access to land for the purpose of carrying out	Work No. 4D	

<i>(1) Plot number of land shown on Land Plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
& 960	the authorised development including the power to carry out any ancillary works necessary to facilitate that access		
703, 704, 816, 976.1 & 976.2	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Works Nos. 1E, 4B and 4D	
770, 777, 780 & 781.2	Dismantling of redundant infrastructure	Works Nos. 4B and 4D	
781.1 & 815	Dismantling of redundant infrastructure	Works Nos. 4B and 4D	Removal of pylon foundations only to a depth of 1 metre
818	Construction of authorised development	Works Nos. 1E and 4D	
981, 982, 987, 988, 989, 990, 991, 992, 993, 994, 1002, 1004, 1008, 1009, 1011, 1012, 1013, 1015, 1016, 1017, 1019 & 1020	Construction of authorised development	Work No. 4F	
995 & 996	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Work No. 4F	
999 & 1000	Dismantling of redundant infrastructure	Work No. 4F	
1001	Construction of authorised development	Work No. 4F	Removal of pylon foundations only to a depth of 1 metre

**North Somerset Council – Section E**

<i>(1) Plot number of land shown on Land Plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
1, 4, 6, 7, 163, 222,	Construction of	Work No. 4D	

<i>(1) Plot number of land shown on Land Plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
232, 238 & 239	authorised development		
10, 34 & 46	Construction of authorised development	Works Nos. 4B and 4D	
11	Dismantling of redundant infrastructure	Works Nos. 4B and 4D	
13, 68, 70, 79, 135, 168, 169, 170, 174 & 175	Dismantling of redundant infrastructure	Work No. 4B	
22, 109 & 111	Construction of authorised development	Work No. 1E	
23, 30, 45, 54 & 66	Dismantling of redundant infrastructure	Works Nos. 4B and 4D	Removal of pylon foundations only to a depth of 1 metre
37, 40, 49, 60, 63, 132, 133, 138, 149, 162, 191 & 194	Construction of authorised development	Works Nos. 1E and 4D	
53, 112, 113, 154, 167 & 176	Construction of authorised development	Works Nos. 1E, 4B and 4D	
96, 116 & 120	Dismantling of redundant infrastructure	Work No. 4D	Removal of pylon foundations only to a depth of 1 metre
97, 98, 99.1, 99.2, 100.1, 100.2, 101, 115, 119, 207 & 208	Dismantling of redundant infrastructure	Work No. 4D	
117, 118, 121, 122, 123, 134 & 144	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Work No. 4D	
142, 143, 155 & 171	Dismantling of redundant infrastructure	Work No. 4B	Removal of pylon foundations only to a depth of 1 metre
172 & 173	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Work No. 4B	

**North Somerset Council – Section F**

<i>(1) Plot number of land shown on Land Plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
1, 2, 3, 4, 18, 19, 21,	Access to land for the	Work No. 4B	

<i>(1)</i> <i>Plot number of land shown on Land Plan</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>	<i>(4)</i> <i>Element of Work in respect of which land is not required to be re-instated</i>
22, 23, 29, 30, 34, 35, 36 & 202	purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access		
5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 24, 25, 26, 27, 31, 32, 33, 138, 140, 141, 142, 143, 144, 145, 146, 149, 156, 158, 219.1, 222, 224, 225, 228 & 229	Dismantling of redundant infrastructure	Work No. 4B	
9, 20, 28, 37, 157, 201 & 219.2	Dismantling of redundant infrastructure	Work No. 4B	Removal of pylon foundations only to a depth of 1 metre
43, 95, 98, 192, 194 & 213	Construction of authorised development	Work No. 4D	
45, 94.3, 137, 147, 164, 165, & 262	Construction of authorised development	Work No. 1F	
46, 48, 57, 72, 76, 88, 89, 90, 150, 151, 152, 153, 154, 155, 166, 214.1, 214.2 & 223	Dismantling of redundant infrastructure	Work No. 4D	
64, 79, 200, 218 & 249	Dismantling of redundant infrastructure	Work No. 4D	Removal of pylon foundations only to a depth of 1 metre
87	Construction of authorised development	Works Nos. 1E and 1F	
148, 163 & 203	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Works Nos. 4B and 4D	
160 & 161	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Works Nos. 1F and 4D	
176, 177, 178, 179, 186, 188, 196 & 217	Construction of authorised development	Works Nos. 1F and 4D	
226, 230, 231, 233, 247 & 248	Construction of authorised development	Work No. 4E	

<i>(1)</i> <i>Plot number of land shown on Land Plan</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>	<i>(4)</i> <i>Element of Work in respect of which land is not required to be re-instated</i>
227	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Works Nos. 4B, 4D, 4E, 4G and 4P	
232, 278 & 298	Dismantling of redundant infrastructure	Work No. 4G	Removal of pylon foundations only to a depth of 1 metre
234, 235, 240, 243, 276, 282 & 293	Dismantling of redundant infrastructure	Work No. 4G	
253 & 255	Dismantling of redundant infrastructure	Work No. 4P	
258	Dismantling of redundant infrastructure	Work No. 4P	Removal of pylon foundations only to a depth of 1 metre
260	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Work No. 4P	
266	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Work No. 1F	
269, 279, 280, 281, 294, 296, 300, 307, 312, 314, 316, 317 & 322	Construction of authorised development	Work No. 4P	
284	Construction of authorised development	Work No. 4P	Removal of pylon foundations only to a depth of 1 metre
325	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Works Nos. 1F, 4G and 4P	
326, 327, 328, 329 & 330	Construction of authorised development	Works Nos. 1F and 4P	

**North Somerset Council – Section G**

<i>(1) Plot number of land shown on Land Plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
23.1, 23.2, 24.1, 24.2, 25, 112 & 113	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Work No. 4G	
35, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81 & 86	Construction of authorised development	Work No. 1F	
39.1, 39.2, 42 & 43	Dismantling of redundant infrastructure	Work No. 4G	
82	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Works Nos. 1F and 4G	
111 & 138	Dismantling of redundant infrastructure	Work No. 4G	Removal of pylon foundations only to a depth of 1 metre
120, 122, 124, 125, 127 & 130	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Works Nos. 1G and 4G	

**North Somerset Council and Bristol City Council – Section G**

<i>(1) Plot number of land shown on Land Plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
139	Dismantling of redundant infrastructure	Work No. 4G	

**Bristol City Council – Section G**

<i>(1) Plot number of land shown on Land Plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
143, 144, 145, 146, 148, 248, 249, 250,	Dismantling of redundant	Work No. 4G	

<i>(1) Plot number of land shown on Land Plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
251, 252.1, 252.2, 253, 254, 255, 256, 257, 258, 259, 262, 263, 264, 265, 266, 267, 268, 270, 271, 272, 273, 274.1, 274.2, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 315, 316, 317, 318, 322, 323, 324, 325, 326, 327, 329, 330, 331, 332, 333 & 334	infrastructure		
147.1, 147.2, 260, 269, 302, 314 & 328	Dismantling of redundant infrastructure	Work No. 4G	Removal of pylon foundations only to a depth of 1 metre
171, 172, 173, 176, 177, 229, 369, 370, 494, 495, 510, 533, 535, 538, 540, 544, 546, 548 & 549	Construction of authorised development	Work No. 1G	
236, 241, 242, 243, 244, 245, 361, 365, 366, 507, 508 & 509	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Work No. 1G	
261, 319, 320 & 321	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Work No. 4G	
335	Dismantling of redundant infrastructure	Works Nos. 4G and 4H	Removal of pylon foundations only to a depth of 1 metre
336	Construction of authorised development	Work No. 4K	
337	Construction of authorised	Works Nos. 4I and 4K	



<i>(1) Plot number of land shown on Land Plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
	development		
338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 359, 437, 438, 439, 474, 475, 476, 477, 478, 479, 480, 481, 482, 498, 504, 517, 518 & 519	Dismantling of redundant infrastructure	Work No. 4H	
351, 352.1, 352.2, 353.1, 353.2, 355, 383, 384, 399, 400, 401, 402, 403, 404, 406, 407, 408 & 441	Construction of authorised development	Works Nos. 1G and 4I	
380	Construction of authorised development	Work No. 4I	
397 & 409	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Work No. 4H	
398, 405, 440 & 502	Dismantling of redundant infrastructure	Work No. 4H	Removal of pylon foundations only to a depth of 1 metre
562 & 564	Construction of authorised development	Works Nos. 4M and 4N	
565	Dismantling of redundant infrastructure	Work No. 4N	
572 & 575	Construction of authorised development	Works Nos. 1G, 4L, 4M and 4N	
593.1, 593.2, 594, 596 & 597	Construction of authorised development	Work No. 5	
604, 605, 606, 607, 609 & 610	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Works Nos. 4L, 4M, 4N, 4O and 5	
608 & 611	Construction of authorised development	Works Nos. 4L, 4M, 4N, 4O and 5	

### South Gloucestershire Council – Section G

<i>(1) Plot number of land shown on Land Plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
558 & 559	Construction of authorised development	Works Nos. 4M and 4N	
560	Construction of authorised development	Works Nos. 1G, 4L, 4M and 4N	
573	Construction of authorised development	Work No. 4L	

### Bristol City Council and South Gloucestershire Council – Section G

<i>(1) Plot number of land shown on Land Plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
561	Construction of authorised development	Works Nos. 4M and 4N	
574	Construction of authorised development	Work No. 4L	

### West Somerset District Council – Section H

<i>(1) Plot number of land shown on Land Plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
6, 9, 11, 24, 25, 81.1 & 81.2	Construction of authorised development	Work No. 6E	
29 & 30	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Works Nos. 6B, 6D and 6E	
32	Construction of authorised development	Works Nos. 6B, 6D and 6E	
33, 34, 60 & 64	Construction of authorised development	Works Nos. 6A, 6C and 6E	
35, 37 & 65	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Works Nos. 6A, 6C and 6E	
36 & 94	Construction of authorised development	Works Nos. 6A and 6C	
43, 44 & 45	Access to land for the purpose of carrying out	Works Nos. 6A and 6C	

<i>(1) Plot number of land shown on Land Plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
	the authorised development including the power to carry out any ancillary works necessary to facilitate that access		
53	Construction of authorised development	Works Nos. 6C and 6E	
61 & 63	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Works Nos. 6A, 6B, 6C, 6D and 6E	
82, 86 & 87	Dismantling of redundant infrastructure	Works Nos. 6B and 6D	Removal of pylon foundations only to a depth of 1 metre
83, 84 & 85	Dismantling of redundant infrastructure	Works Nos. 6B and 6D	
88	Dismantling of redundant infrastructure	Work No. 6B	
89, 90, 91 & 92	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Works Nos. 6B and 6D	
111	Construction of authorised development	Work No. 6A	
114 & 117	Construction of authorised development	Works Nos. 6C and 6D	
115	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Work No. 6C	

## PART 2

### WESTERN POWER DISTRIBUTION

#### Sedgemoor District Council – Section A

(1) <i>Plot number of land shown on Land Plan</i>	(2) <i>Purpose for which temporary possession may be taken</i>	(3) <i>Relevant part of the authorised development</i>	(4) <i>Element of Work in respect of which land is not required to be re-instated</i>
1, 3, 4, 6, 7, 8, 9, 14, 15, 19, 29, 34, 35, 36, 41, 50, 56, 60, 61, 63, 64, 65, 70, 71, 74, 81, 82, 88, 91 & 94	Dismantling of redundant infrastructure	Work No. 4B	
2, 5, 10, 16, 23, 28, 33, 40, 47, 53, 54, 62, 75, 78, 83, 84, 89, 90 & 93	Dismantling of redundant infrastructure	Work No. 4B	Removal of pylon foundations only to a depth of 1 metre
11, 12, 13, 17, 18, 20, 21, 22, 24, 25, 26, 27, 30, 31, 32, 37, 38, 39, 42, 43, 44, 45, 46, 48, 49, 51, 52, 55, 57, 58, 59, 66, 67, 68, 69, 72, 73, 76, 77, 79, 80, 85, 86, 87, 92, 97, 98, 101, 157 & 158	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Work No. 4B	

#### Sedgemoor District Council – Section B

(1) <i>Plot number of land shown on Land Plan</i>	(2) <i>Purpose for which temporary possession may be taken</i>	(3) <i>Relevant part of the authorised development</i>	(4) <i>Element of Work in respect of which land is not required to be re-instated</i>
4, 8, 9, 14, 36, 38, 39, 78, 84, 120, 125, 126, 127, 131, 132, 133, 134, 142, 153, 159, 160, 167, 171, 172, 174, 177.2, 178, 186, 187, 190, 193, 194, 251, 252, 253, 254, 273, 274, 278, 279, 281, 286, 371, 378, 380, 383, 385, 392, 394, 399, 400, 401, 402, 403, 404, 407, 411, 412, 417, 420, 421, 422, 423, 425, 434, 455, 462, 463, 465, 470, 471, 472, 476, 481, 485, 491, 494, 495, 498, 499, 500, 513, 514, 528, 530, 531, 532, 533, 534, 538, 540, 542, 543, 546, 547, 548,	Dismantling of redundant infrastructure	Work No. 4B	

<i>(1)</i> <i>Plot number of land shown on Land Plan</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>	<i>(4)</i> <i>Element of Work in respect of which land is not required to be re-instated</i>
551, 560, 572, 579, 587, 588, 589, 602, 603.2, 603.3, 604.2, 615, 619, 625, 626, 630, 631, 660, 666, 677 & 678			
5, 12, 15, 37, 76, 81, 86, 119, 135, 140, 151, 170, 177.1, 179, 185, 188, 191, 266, 269, 271, 272, 277, 280, 285, 288, 370, 386, 393, 397, 406, 408, 413, 419, 424, 426, 454, 461, 477, 482, 492, 501, 510, 527, 535, 537, 545, 558, 568, 578, 591, 603.1, 604.1, 611, 612, 620, 627, 641, 654, 659 & 676	Dismantling of redundant infrastructure	Work No. 4B	Removal of pylon foundations only to a depth of 1 metre
10, 11, 13, 16, 17, 18, 19, 20, 22, 23, 24, 34, 40, 42, 45, 46, 73, 79, 80, 82, 83, 115, 118, 121, 122, 129, 130, 138, 139, 154, 156, 165, 166, 168, 169, 173, 175, 176, 180, 181, 182, 183, 184, 189, 192, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 267, 268, 270, 275, 276, 282, 283, 284, 287, 359, 368, 373, 381, 384, 388, 391, 395, 396, 398, 405, 409, 410, 414, 415, 416, 418, 427, 428, 429, 433, 435, 437, 439, 450, 459, 460, 464, 466, 469, 478, 479, 480, 483, 484, 486, 488, 489, 490, 496, 502, 503, 504, 506, 507, 508, 509, 511, 512, 515, 516, 518, 520, 525, 526, 536.1, 536.2, 539, 541, 544, 549, 550, 556, 559, 562, 569, 581, 582, 584, 586,	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Work No. 4B	

<i>(1) Plot number of land shown on Land Plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
593, 595, 596, 597, 599, 609.1, 609.2, 609.3, 609.4, 614, 616, 617, 618, 621, 622, 623, 624, 632, 633, 634, 640, 642, 643, 644, 649, 650, 652, 653, 665, 675, 679, 681 & 682			

**Sedgemoor District Council and North Somerset Council – Section B**

<i>(1) Plot number of land shown on Land Plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
664	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Work No. 4B	

**Sedgemoor District Council – Section C**

<i>(1) Plot number of land shown on Land Plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
1 & 2	Dismantling of redundant infrastructure	Work No. 4B	
6, 13, 15 & 19	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Work No. 4B	
14 & 18	Dismantling of redundant infrastructure	Work No. 4B	Removal of pylon foundations only to a depth of 1 metre

**Sedgemoor District Council and North Somerset Council – Section C**

<i>(1) Plot number of land shown on Land Plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
25	Access to land for the purpose of carrying out	Work No. 4B	

<i>(1) Plot number of land shown on Land Plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
	the authorised development including the power to carry out any ancillary works necessary to facilitate that access		
29 & 30	Dismantling of redundant infrastructure	Work No. 4B	

**North Somerset Council – Section C**

<i>(1) Plot number of land shown on Land Plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
33, 34, 37, 42, 43, 44, 47, 53, 56, 61, 64, 65, 66, 67, 71, 76, 77, 78, 91, 96, 99, 106, 107, 114, 115, 117, 119, 122, 123, 125, 128, 129, 132, 134, 139, 145, 146, 154, 160, 161, 162, 167, 168, 171, 172, 176, 181, 182, 183, 184, 185, 186, 196, 202.1, 202.2, 204, 208, 210, 211, 219, 220, 221, 225, 233, 234, 249, 255, 256, 257, 267, 268, 273, 274, 277, 280 & 281	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Work No. 4B	
41, 51, 58, 59, 62, 83, 84, 85, 86, 88, 89, 93, 94, 98, 108, 111, 136, 137, 152, 153, 156, 157, 166, 180, 187, 188, 189, 190, 191, 207, 212, 213, 214, 215, 216, 227, 228, 231, 252, 253, 271, 276, 282, 283, 284 & 285	Dismantling of redundant infrastructure	Work No. 4B	
50, 68, 112, 116, 147, 158, 159, 169, 205, 206, 209, 217, 240, 242, 244, 247, 248, 251 & 272	Dismantling of redundant infrastructure	Work No. 4B	Removal of pylon foundations only to a depth of 1 metre

**North Somerset Council – Section D**

<i>(1)</i> <i>Plot number of land shown on Land Plan</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>	<i>(4)</i> <i>Element of Work in respect of which land is not required to be re-instated</i>
3, 15 & 57	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Works Nos. 4B and 4C	
4	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Works Nos. 4A and 4B	
7, 8, 9, 11, 12, 13, 17, 52, 53, 54, 55, 56, 61, 66, 68, 75, 88, 89, 112.1, 112.2, 112.3, 115, 117, 118, 188, 189, 190, 196, 197, 203, 204, 205, 210, 211, 213, 229, 231, 237.1, 237.2, 240, 243, 248, 249, 251, 253, 254, 255, 278, 279, 283, 284, 285, 286, 289, 290, 296, 304, 306, 318.1, 318.2, 319, 321, 329, 341, 348, 349, 351, 352, 367, 372, 394, 416, 419, 422, 424, 434, 452, 453, 467, 484, 485, 492, 504, 506, 514, 517, 529, 544.1, 544.2, 548, 557, 558, 559, 560, 561, 566, 567, 571, 572, 574, 575, 591, 592, 593, 594, 595, 602, 604, 605, 611, 612, 613, 615, 616, 620, 621, 623, 672, 674, 675, 677, 678, 775, 776, 828, 900, 901, 902, 904, 961, 962, 963, 964, 965, 966, 967, 968, 969 & 970	Dismantling of redundant infrastructure	Work No. 4B	
10, 62, 76, 106, 187,	Dismantling of	Work No. 4B	Removal of pylon



<i>(1) Plot number of land shown on Land Plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
194, 198, 199, 212, 232, 236, 247, 252, 288, 297, 308, 339, 345, 361, 371, 391, 413, 430, 438, 455, 464, 494, 511, 521, 522, 530, 545, 573, 596, 606, 617, 622, 673, 827, 832 & 903	redundant infrastructure		foundations only to a depth of 1 metre
18 & 20	Construction of authorised development	Works Nos. 4B and 4C	
19	Construction of authorised development	Works Nos. 4B and 4C	Removal of pylon foundations only to a depth of 1 metre
21, 23, 24, 27, 28, 29, 31, 33, 34, 35, 40, 41, 42, 43, 44, 45, 46 & 48	Construction of authorised development	Work No. 4C	
22, 30, 38 & 39	Dismantling of redundant infrastructure	Work No. 4C	
25 & 47	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Work No. 4C	
26 & 32	Construction of authorised development	Work No. 4C	Removal of pylon foundations only to a depth of 1 metre
63, 67, 69, 74.1, 74.2, 77, 83, 86, 87, 102, 200, 208, 217, 218, 219, 220.1, 220.2, 221, 223, 224, 225, 226, 227, 228, 233, 234, 235, 241, 242, 244, 245, 246, 250, 257, 258, 262, 263, 264, 265, 267, 268, 269, 270.1, 270.2, 271, 272, 274, 277, 280, 282, 287, 291, 292, 293, 294, 295, 299.1, 299.2, 301.1, 301.2, 302, 303, 305.1, 305.2, 307, 311, 315.1, 315.2, 316, 317, 320, 322, 323, 324, 325, 332.1, 332.2, 333, 336, 337, 338, 340,	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Work No. 4B	

<i>(1) Plot number of land shown on Land Plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
343, 344, 346, 350, 354, 355, 356, 357.1, 357.2, 358, 359, 362, 363, 364, 365, 366, 369, 370, 373, 376, 377, 378, 383, 384, 385, 386, 387, 388, 390, 392, 393, 395, 396, 397, 398, 399, 400, 402, 407, 408.1, 408.2, 409, 410, 411, 414, 417, 418, 420, 425, 427, 428, 429, 431, 432, 436, 437, 439, 440, 441, 442, 445, 446, 447, 448, 449, 450, 451, 454, 456, 457, 458, 459, 460, 461, 462, 466, 468.1, 468.2, 469, 472, 473, 474, 477, 478, 479, 481, 482, 483, 486, 490, 491, 500, 502, 503, 505, 507, 510, 512, 513, 515, 516, 518, 523, 531, 532, 546, 547, 550, 555, 556, 562, 564, 568, 569, 570, 576, 585, 587, 588, 589, 590, 597, 598, 599, 600, 601, 603, 607, 608, 609, 618, 619, 676, 680, 685, 686, 687 & 826			
65	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Works Nos. 4A, 4B and 4C	
104, 105.1, 105.2, 105.3, 110, 111.1, 111.2, 120, 121, 122, 123, 126, 127, 129, 130, 133, 153, 156, 159, 160, 161, 162, 165, 169, 172, 175, 176 & 177	Construction of authorised development	Work No. 4A	
131, 140, 141, 148,	Access to land for the	Work No. 4A	

<i>(1)</i> <i>Plot number of land shown on Land Plan</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>	<i>(4)</i> <i>Element of Work in respect of which land is not required to be re-instated</i>
163, 166, 167, 170, 181, 182 & 184	purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access		
173, 178, 179, 180, 185, 186, 192 & 193	Dismantling of redundant infrastructure	Work No. 4A	
183	Dismantling of redundant infrastructure	Work No. 4A	Removal of pylon foundations only to a depth of 1 metre
256, 266, 273, 275, 276, 326, 327, 328, 330, 331, 470.1, 470.2, 471.1, 471.2, 475, 476, 480, 488, 489, 493, 495, 549, 551, 552, 563 & 565	Construction of authorised development	Work No. 4B	
624, 702, 703, 704, 707, 759, 760, 762, 772, 782.1, 782.2, 783, 784, 785, 816, 817, 833, 976.1 & 976.2	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Works Nos. 4B and 4D	
625, 628, 629, 630, 636, 660.1, 660.2, 660.3, 660.4, 660.5, 661, 662, 663.1, 663.2, 664, 665, 666, 667, 668, 669, 768, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 874, 875, 876, 877, 878, 879, 880,	Dismantling of redundant infrastructure	Work No. 4D	

<i>(1) Plot number of land shown on Land Plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
881, 882, 884, 885, 886, 906, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 943, 944, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958 & 959			
626.1, 626.2, 627, 634, 635, 637, 643, 648, 649, 658, 659, 723, 729, 731, 737, 739, 740, 741, 742, 743, 744, 745, 748, 750, 752, 753, 754, 818, 829, 831, 834, 887, 888, 889, 945, 946, 948, 978, 979 & 980	Construction of authorised development	Work No. 4D	
631, 633, 670, 769, 835, 873 & 907	Dismantling of redundant infrastructure	Work No. 4D	Removal of pylon foundations only to a depth of 1 metre
632, 639, 640, 641, 642, 650, 651, 671, 905 & 960	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Work No. 4D	
758	Construction of authorised development	Works Nos. 4B and 4D	
764, 765, 770, 777, 780 & 781.2	Dismantling of redundant infrastructure	Works Nos. 4B and 4D	
771, 781.1 & 815	Dismantling of redundant infrastructure	Works Nos. 4B and 4D	Removal of pylon foundations only to a depth of 1 metre
981, 982, 987, 988, 989, 990, 991, 992, 993, 994, 1002, 1004, 1008, 1009, 1011, 1012, 1013, 1015, 1016, 1017, 1019 & 1020	Construction of authorised development	Work No. 4F	
995 & 996	Access to land for the purpose of carrying out	Work No. 4F	

<i>(1) Plot number of land shown on Land Plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
	the authorised development including the power to carry out any ancillary works necessary to facilitate that access		
999 & 1000	Dismantling of redundant infrastructure	Work No. 4F	
1001	Construction of authorised development	Work No. 4F	Removal of pylon foundations only to a depth of 1 metre

#### **North Somerset Council – Section E**

<i>(1) Plot number of land shown on Land Plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
1, 4, 6, 7, 33, 37, 40, 49, 50, 59, 60, 63, 132, 133, 138, 146, 149, 162, 163, 191, 194, 222, 232, 238 & 239	Construction of authorised development	Work No. 4D	
10, 34, 43, 46, 53, 94, 103, 104, 109, 110, 112, 113, 154, 167 & 176	Construction of authorised development	Works Nos. 4B and 4D	
11, 16, 19, 29 & 93	Dismantling of redundant infrastructure	Works Nos. 4B and 4D	
13, 14, 68, 70, 77, 79, 105, 127, 128, 135, 136, 145, 159, 168, 169, 170, 174 & 175	Dismantling of redundant infrastructure	Work No. 4B	
23, 30, 45, 54 & 66	Dismantling of redundant infrastructure	Works Nos. 4B and 4D	Removal of pylon foundations only to a depth of 1 metre
44, 57, 65, 96, 116 & 120	Dismantling of redundant infrastructure	Work No. 4D	Removal of pylon foundations only to a depth of 1 metre
78, 126, 142, 143, 155 & 171	Dismantling of redundant infrastructure	Work No. 4B	Removal of pylon foundations only to a depth of 1 metre
95.1, 95.2, 97, 98, 99.1, 99.2, 100.1, 100.2, 101, 115, 119, 207, 208, 209 & 210	Dismantling of redundant infrastructure	Work No. 4D	
117, 118, 121, 122, 123, 134 & 144	Access to land for the purpose of carrying out the authorised development including	Work No. 4D	

<i>(1) Plot number of land shown on Land Plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
	the power to carry out any ancillary works necessary to facilitate that access		
160	Construction of authorised development	Works Nos. 4B and 4D	
131, 137, 172 & 173	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Work No. 4B	

**North Somerset Council – Section F**

<i>(1) Plot number of land shown on Land Plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
1, 2, 3, 4, 18, 19, 21, 22, 23, 29, 30, 34, 35, 36 & 202	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Work No. 4B	
5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 24, 25, 26, 27, 31, 32, 33, 138, 139, 140, 141, 142, 143, 144, 145, 146, 149 156, 158, 159, 219.1, 222, 224, 225, 228 & 229	Dismantling of redundant infrastructure	Work No. 4B	
9, 20, 28, 37, 157, 201 & 219.2	Dismantling of redundant infrastructure	Work No. 4B	Removal of pylon foundations only to a depth of 1 metre
38, 40, 41, 45, 60, 160, 161, 162 & 165	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Work No. 4D	
39, 64, 79, 81, 200, 218 & 249	Dismantling of redundant infrastructure	Work No. 4D	Removal of pylon foundations only to a depth of 1 metre

<i>(1)</i> <i>Plot number of land shown on Land Plan</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>	<i>(4)</i> <i>Element of Work in respect of which land is not required to be re-instated</i>
43, 67, 95, 98, 137, 176, 177, 178, 179, 186, 188, 192, 194, 196, 213 & 217	Construction of authorised development	Work No. 4D	
46, 47, 48, 57, 58, 59, 69, 72, 74, 76, 78, 82, 83, 84, 88, 89, 90, 91, 150, 151, 152, 153, 154, 155, 166, 167, 168, 169, 170, 172, 199, 214.1, 214.2 & 223	Dismantling of redundant infrastructure	Work No. 4D	
148, 163, 203 & 204	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Works Nos. 4B and 4D	
226, 230, 231, 233, 247 & 248	Construction of authorised development	Work No. 4E	
227	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Works Nos. 4B, 4D, 4E, 4G and 4P	
232, 278, 298 & 320	Dismantling of redundant infrastructure	Work No. 4G	Removal of pylon foundations only to a depth of 1 metre
234, 235, 240, 243, 276, 282, 293, 302 & 304	Dismantling of redundant infrastructure	Work No. 4G	
253, 255 & 285	Dismantling of redundant infrastructure	Work No. 4P	
258	Dismantling of redundant infrastructure	Work No. 4P	Removal of pylon foundations only to a depth of 1 metre
260 & 264	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Work No. 4P	
267, 269, 279, 280, 281, 288, 294, 296, 300, 307, 312, 314,	Construction of authorised development	Work No. 4P	

<i>(1) Plot number of land shown on Land Plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
316, 317, 322, 326, 327, 328, 329 & 330			
284	Construction of authorised development	Work No. 4P	Removal of pylon foundations only to a depth of 1 metre
303, 313 & 325	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Works Nos. 4G and 4P	

#### **North Somerset Council – Section G**

<i>(1) Plot number of land shown on Land Plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
38, 39.1, 39.2, 42, 43, 45, 46, 47.1, 47.2, 48, 52,57, 58.1, 58.2, 59, 64, 69, 84, 107, 118, 134 & 137	Dismantling of redundant infrastructure	Work No. 4G	
53, 61, 65, 108, 111, 116 & 138	Dismantling of redundant infrastructure	Work No. 4G	Removal of pylon foundations only to a depth of 1 metre
23.1, 23.2, 24.1, 24.2, 25, 82, 112, 113, 119, 120, 121, 122, 124, 125, 127, 128 & 130	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Work No. 4G	

#### **North Somerset Council and Bristol City Council – Section G**

<i>(1) Plot number of land shown on Land Plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
139	Dismantling of redundant infrastructure	Work No. 4G	



**Bristol City Council – Section G**

<i>(1)</i> <i>Plot number of land shown on Land Plan</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>	<i>(4)</i> <i>Element of Work in respect of which land is not required to be re-instated</i>
143, 144, 145, 146, 148, 151, 248, 249, 250, 251, 252.1, 252.2, 253, 254, 255, 256, 257, 258, 259, 262, 263, 264, 265, 266, 267, 268, 270, 271, 272, 273, 274.1, 274.2, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 315, 316, 317, 318, 322, 323, 324, 325, 326, 327, 329, 330, 331, 332, 333 & 334	Dismantling of redundant infrastructure	Work No. 4G	
147.1, 147.2, 260, 269, 302, 314 & 328	Dismantling of redundant infrastructure	Work No. 4G	Removal of pylon foundations only to a depth of 1 metre
261, 319, 320 & 321	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Work No. 4G	
335	Dismantling of redundant infrastructure	Works Nos. 4G and 4H	Removal of pylon foundations only to a depth of 1 metre
336	Construction of authorised development	Work No. 4K	
337	Construction of authorised development	Works Nos. 4I and 4K	
338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 359, 378, 437, 438, 439, 474, 475, 476, 477, 478, 479, 480, 481, 482, 498, 499, 500, 501, 503, 504, 514, 515, 517, 518 & 519	Dismantling of redundant infrastructure	Work No. 4H	
351, 352.1, 352.2,	Construction of	Work No. 4I	

<i>(1) Plot number of land shown on Land Plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
353.1, 353.2, 355, 380, 383, 384, 399, 400, 401, 402, 403, 404, 406, 407, 408 & 441	authorised development		
397 & 409	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Work No. 4H	
398, 405, 440 & 502	Dismantling of redundant infrastructure	Work No. 4H	Removal of pylon foundations only to a depth of 1 metre
562 & 564	Construction of authorised development	Works Nos. 4M and 4N	
563, 570, 571, 572 & 575	Construction of authorised development	Works Nos. 4L, 4M and 4N	
565	Dismantling of redundant infrastructure	Work No. 4N	
572	Construction of authorised development	Works Nos. 4L, 4M and 4N	
599	Dismantling of redundant infrastructure	Work No. 4L	Removal of pylon foundations only to a depth of 1 metre
604, 605, 606, 607, 609 & 610	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	Works Nos. 4L, 4M, 4N and 4O	
608 & 611	Construction of authorised development	Works Nos. 4L, 4M, 4N and 4O	

#### **South Gloucestershire Council – Section G**

<i>(1) Plot number of land shown on Land Plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
558 & 559	Construction of authorised development	Works Nos. 4M and 4N	
560	Construction of authorised development	Works Nos. 4L, 4M and 4N	
573	Construction of authorised development	Work No. 4L	

**Bristol City Council and South Gloucestershire Council – Section G**

<i>(1)</i> <i>Plot number of land shown on Land Plan</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>	<i>(4)</i> <i>Element of Work in respect of which land is not required to be re-instated</i>
561	Construction of authorised development	Works Nos. 4M and 4N	
574	Construction of authorised development	Work No. 4L	

## SCHEDULE 13

Article 40

### TRAFFIC REGULATION

#### PART 1

#### TEMPORARY PROHIBITION OF VEHICULAR ACCESS AND NO WAITING AND SPEED RESTRICTION

**Somerset County Council**

<i>(1)</i> <i>Road</i>	<i>(2)</i> <i>Extent</i>	<i>(3)</i> <i>Note</i>
Wick Moor Drove	Between TRO1.1 and TRO1.2 as shown on Section H, Sheet 1 of the traffic regulation plans	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.  Speed limit reduced to 30 mph, or to such other speed agreed by the traffic authority, for the duration of the construction of the authorised development.
A39 Bath Road	Between TRO3.1 and TRO3.2 as shown on Section A, Sheet 1 of the traffic regulation plans.	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.  S Speed limit reduced to 30 mph, or to such other speed agreed by the traffic authority, for the duration of the construction of the authorised development.
A39 Puriton Hill and A39 Bath Road	Between TRO4.1 and TRO4.4 (A39 Bath Road) and TRO4.2 and TRO4.3 (A39 Puriton Hill) as shown on Section A, Sheet 1 of the traffic regulation plans.	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.  Speed limit reduced to 30 mph, or to such other speed agreed by the traffic authority, for the duration of the construction of the authorised development.
Woolavington Road (Higher Road)	Between TRO5.1 and TRO5.2 as shown on Section A, Sheet 2 and Section B, Sheet 1 of the traffic regulation plans.	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.  Speed limit reduced to 30 mph, or to such other speed agreed by the traffic authority, for the duration of the construction of the authorised development.
B3141 Causeway and Middle Moor Drive	Between TRO6.1 and TRO6.3 (B3141 Causeway) and between TRO6.2 and	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to

<i>(1)</i> <i>Road</i>	<i>(2)</i> <i>Extent</i>	<i>(3)</i> <i>Note</i>
	TRO6.4 (Middle Moor Drive) as shown on Section B, Sheets 1 and 2 of the traffic regulation plans.	07:00pm Monday to Sunday.  Speed limit reduced to 30 mph, or to such other speed agreed by the traffic authority, for the duration of the construction of the authorised development.
B3141 Causeway	Between TRO7.1 and TRO7.2 as shown on Section B, Sheet 2 of the traffic regulation plans.	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.  Speed limit reduced to 30 mph, or to such other speed agreed by the traffic authority, for the duration of the construction of the authorised development.
Burtle Road	Between TRO8.1 and TRO8.2 as shown on Section B, Sheets 2 and 3 of the traffic regulation plans.	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.  Speed limit reduced to 30 mph, or to such other speed agreed by the traffic authority, for the duration of the construction of the authorised development.
Un-named road and Southwick Road	Between TRO10.1 and TRO10.4 (Un-named road) and between TRO10.2 and TRO10.3 (Southwick Road) as shown on Section B, Sheet 5 of the traffic regulation plans.	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.  Speed limit reduced to 30 mph, or to such other speed agreed by the traffic authority, for the duration of the construction of the authorised development.
Butt Lake Road	Between TRO11.1 and TRO11.2 as shown on Section B, Sheets 5 and 6 of the traffic regulation plans.	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.  Speed limit reduced to 30 mph, or to such other speed agreed by the traffic authority, for the duration of the construction of the authorised development.
Northwick Road	Between TRO13.1 and TRO13.2 as shown on Section B, Sheet 6 of the traffic regulation plans.	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.  Speed limit reduced to 30 mph, or to such other speed agreed by the traffic authority, for the duration of the construction of the authorised development.
Vole Road	Between TRO14.1 and TRO14.2 as shown on	Prohibition of vehicular access at any time.

<i>(1)</i> <i>Road</i>	<i>(2)</i> <i>Extent</i>	<i>(3)</i> <i>Note</i>
	Section B, Sheets 6 and 7 of the traffic regulation plans.	No waiting restriction between 07:00am to 07:00pm Monday to Sunday.  Speed limit reduced to 30 mph, or to such other speed agreed by the traffic authority, for the duration of the construction of the authorised development.
Pill Road	Between TRO15.1 and TRO15.2 as shown on Section B, Sheets 7 and 8 of the traffic regulation plans.	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.  Speed limit reduced to 30 mph, or to such other speed agreed by the traffic authority, for the duration of the construction of the authorised development.
A38 Bristol Road	Between TRO16.1 and TRO16.2 as shown on Section B, Sheets 8, 9 and 10 of the traffic regulation plans.	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.  Speed limit reduced to 30 mph, or to such other speed agreed by the traffic authority, for the duration of the construction of the authorised development.
Webbington Road	Between TRO17.1 and TRO17.2 as shown on Section C, Sheet 1 of the traffic regulation plans.	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.  Speed limit reduced to 30 mph, or to such other speed agreed by the traffic authority, for the duration of the construction of the authorised development.

**North Somerset County Council**

<i>(1)</i> <i>Road</i>	<i>(2)</i> <i>Extent</i>	<i>(3)</i> <i>Note</i>
Max Mill Lane	Between TRO18.1 and TRO18.2 as shown on Section C, Sheet 2 of the traffic regulation plans.	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.  Speed limit reduced to 30 mph, or to such other speed agreed by the traffic authority, for the duration of the construction of the authorised development.
A371 Banwell Road/Castle Hill	Between TRO19.1 and TRO19.2 as shown on Section C, Sheets 2 and 3 of the traffic regulation plans.	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.

<i>(1)</i> <i>Road</i>	<i>(2)</i> <i>Extent</i>	<i>(3)</i> <i>Note</i>
		Speed limit reduced to 30 mph, or to such other speed agreed by the traffic authority, for the duration of the construction of the authorised development.
A368 Towerhead Road	Between TRO20.1 and TRO20.2 as shown on Section C, Sheet 4 of the traffic regulation plans.	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.  Speed limit reduced to 30 mph, or to such other speed agreed by the traffic authority, for the duration of the construction of the authorised development.
Drove Way and Nye Road	Between TRO21.1 and TRO21.2 as shown on Section C, Sheet 4 and Section D, Sheet 1 of the traffic regulation plans.	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.  Speed limit reduced to 30 mph, or to such other speed agreed by the traffic authority, for the duration of the construction of the authorised development.
Iwood Lane	Between TRO22.1 and TRO22.2 as shown on Section D, Sheet 10 of the traffic regulation plans.	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.  Speed limit reduced to 30 mph, or to such other speed agreed by the traffic authority, for the duration of the construction of the authorised development.
Puxton Road	Between TRO23.1 and TRO23.2 as shown on Section D, Sheet 2 of the traffic regulation plans.	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.  Speed limit reduced to 30 mph, or to such other speed agreed by the traffic authority, for the duration of the construction of the authorised development.
A370	Between TRO25.1 and TRO25.2 as shown on Section D, Sheet 3 of the traffic regulation plans.	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.  Speed limit reduced to 30 mph, or to such other speed agreed by the traffic authority, for the duration of the construction of the authorised development.
Wemberham Lane	Between TRO26.1 and TRO26.2 as shown on Section D, Sheet 4 of the traffic regulation plans.	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.

<i>(1)</i> <i>Road</i>	<i>(2)</i> <i>Extent</i>	<i>(3)</i> <i>Note</i>
		Speed limit reduced to 30 mph, or to such other speed agreed by the traffic authority, for the duration of the construction of the authorised development.
Lampley Road and B3139 Kenn Road	Between TRO27.2 and TRO27.3 as shown on Section D, Sheet 5 of the traffic regulation plans.	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.  Speed limit reduced to 30 mph, or to such other speed agreed by the traffic authority, for the duration of the construction of the authorised development.
Kenn Moor Road	Between TRO28.1 and TRO28.2 as shown on Section D, Sheet 6 of the traffic regulation plans.	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.  Speed limit reduced to 30 mph, or to such other speed agreed by the traffic authority, for the duration of the construction of the authorised development.
Nailsea Wall Lane	Between TRO29.1 and TRO29.2 as shown on Section D, Sheet 7 of the traffic regulation plans.	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.  Speed limit reduced to 30 mph, or to such other speed agreed by the traffic authority, for the duration of the construction of the authorised development.
Queens Road	Between TRO30.6 and TRO30.7 as shown on Section D, Sheet 8 of the traffic regulation plans.	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.  Speed limit reduced to 30 mph, or to such other speed agreed by the traffic authority, for the duration of the construction of the authorised development.
Causeway	Between TRO30.8 and TRO30.9 as shown on Section D, Sheets 8 and 9 of the traffic regulation plans.	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.  Speed limit reduced to 30 mph, or to such other speed agreed by the traffic authority, for the duration of the construction of the authorised development.
Church Lane and B3130 Clevedon Road and Washing	Between TRO31.1 and TRO31.4 (Church Lane) and between TRO31.2 and	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to



<i>(1)</i> <i>Road</i>	<i>(2)</i> <i>Extent</i>	<i>(3)</i> <i>Note</i>
Pound Lane	TRO31.3 (B3130 Clevedon Road) and between TRO31.1 and TRO31.3 (Washing Pound Lane) as shown on Section D, Sheet 9 of the traffic regulation plans.	07:00pm Monday to Sunday.  Speed limit reduced to 30 mph, or to such other speed agreed by the traffic authority, for the duration of the construction of the authorised development.
Whitehouse Lane and Caswell Hill and Caswell Lane	Between TRO32.1 and TRO32.2 (Whitehouse Lane) and between TRO32.3 and TRO32.4 (Caswell Lane) and between TRO32.5 and TRO32.6 (Caswell Hill) as shown on Section E, Sheets 1 and 2 and Section F, Sheets 1 and 2 of the traffic regulation plans.	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.  Speed limit reduced to 30 mph, or to such other speed agreed by the traffic authority, for the duration of the construction of the authorised development.
Sheepway	Between TRO34.1 and TRO34.2 as shown on Section F, Sheets 2, 3 and 4 of the traffic regulation plans.	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.  Speed limit reduced to 30 mph, or to such other speed agreed by the traffic authority, for the duration of the construction of the authorised development.

### **Bristol City Council**

<i>(1)</i> <i>Road</i>	<i>(2)</i> <i>Extent</i>	<i>(3)</i> <i>Note</i>
Kings Weston Lane	Between TRO39.1 and TRO39.2 as shown on Section G, Sheet 3 of the traffic regulation plans.	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.  Speed limit reduced to 30 mph, or to such other speed agreed by the traffic authority, for the duration of the construction of the authorised development.
Severn Road	Between TRO41.1 and TRO41.2 as shown on Section G, Sheets 5 and 6 of the traffic regulation plans.	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.  Speed limit reduced to 30 mph, or to such other speed agreed by the traffic authority, for the duration of the construction of the authorised development.
A403 Severn Road and Chittinging Road	Between TRO43.1 and TRO43.2 as shown on Section G, Sheet 6 of the traffic regulation plans.	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.

<i>(1)</i> <i>Road</i>	<i>(2)</i> <i>Extent</i>	<i>(3)</i> <i>Note</i>
		Speed limit reduced to 30 mph, or to such other speed agreed by the traffic authority, for the duration of the construction of the authorised development.

## PART 2

### TEMPORARY PROHIBITION OF VEHICULAR ACCESS AND NO WAITING RESTRICTION

#### Somerset County Council

<i>(1)</i> <i>Road</i>	<i>(2)</i> <i>Extent</i>	<i>(3)</i> <i>Note</i>
Church Road	Between TRO9.1 and TRO9.2 as shown on Section B, Sheet 4 of the traffic regulation plans.	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.
Factory Lane	Between TRO9.3 and TRO9.4 as shown on Section B, Sheet 4 of the traffic regulation plans.	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.
Mark Causeway B3139	Between TRO12.1 and TRO12.2 as shown on Section B, Sheet 6 of the traffic regulation plans.	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.

#### North Somerset County Council

<i>(1)</i> <i>Road</i>	<i>(2)</i> <i>Extent</i>	<i>(3)</i> <i>Note</i>
Dolemoor Lane	Between TRO24.1 and TRO24.2 as shown on Section D, Sheet 3 of the traffic regulation plans.	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.
Engine Lane	Between TRO30.1 and TRO30.4 as shown on Section D, Sheet 8 of the traffic regulation plans.	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.
Blackfriars Road	Between TRO30.3 and TRO30.5 as shown on Section D, Sheet 8 of the traffic regulation plans.	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.
Hannah More Road	Between TRO30.2 and TRO30.6 as shown on Section D, Sheet 8 of the traffic regulation plans.	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.
Hanham Way	Between TRO30.7 and TRO30.8 as shown on Section D, Sheet 8 of the traffic regulation plans.	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.

<i>(1)</i> <i>Road</i>	<i>(2)</i> <i>Extent</i>	<i>(3)</i> <i>Note</i>
The Drove	Between TRO35.1 and TRO35.2 as shown on Section F, Sheets 2 and 4 of the traffic regulation plans.	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.

**Bristol City Council**

<i>(1)</i> <i>Road</i>	<i>(2)</i> <i>Extent</i>	<i>(3)</i> <i>Note</i>
Victoria Road	Between TRO37.1 and TRO37.2 as shown on Section G, Sheet 2 of the traffic regulation plans.	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.
Avonmouth Way	Between TRO38.1 and TRO38.2 as shown on Section G, Sheet 3 of the traffic regulation plans.	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.
Packgate Road	Between TRO40.1 and TRO40.2 as shown on Section G, Sheet 4 of the traffic regulation plans.	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.
Ableton Lane and Minors Lane	Between TRO42.1 and TRO42.4 and between TRO42.2 and TRO42.3 as shown on Section G, Sheets 5 and 6 of the traffic regulation plans.	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.

**PART 3**

**NO WAITING RESTRICTION**

**Bristol City Council**

<i>(1)</i> <i>Road</i>	<i>(2)</i> <i>Extent</i>	<i>(3)</i> <i>Note</i>
St Mary's Grove	Between TRO30.1 and TRO30.2 as shown on Section D, Sheet 8 of the traffic regulation plans.	No waiting restriction between 07:00am to 07:00pm Monday to Sunday.
North Street	Between TRO30.4 and TRO30.7 as shown on section D, Sheet 8 of the traffic regulation plans.	No waiting restriction between 07:00am to 07:00pm Monday to Sunday.
Phoenix Way and Stonechat Green and The Finches and Fieldfare Avenue	Between TRO36.1 and TRO36.3 (Phoenix Way), between TRO36.3 and TRO36.4 (Stonechat Green), between TRO36.4 and TRO36.5 (the Finches) and between TRO36.5 and TRO36.2 (Fieldfare Avenue) as shown on Section F, Sheet 3 of the traffic regulation plans.	No waiting restriction between 07:00am to 07:00pm Monday to Sunday.

SCHEDULE 14

Article 42

TREES SUBJECT TO TREE PRESERVATION ORDERS

<i>(1)</i> <i>Type of tree</i>	<i>(2)</i> <i>Number reference shown on Trees and Hedges to be removed or affected Plans</i>	<i>(3)</i> <i>Work to be carried out</i>	<i>(4)</i> <i>TPO reference</i>
Crack Willow	433 shown on Section G, Sheet 3	Fell	TPO577 BCC
Goat Willow	437 shown on Section G, Sheet 3	Fell	TPO577 BCC
Crack Willow	438 shown on Section G, Sheet 3	Fell	TPO577 BCC
Crack Willow	439 shown on Section G, Sheet 3	Fell	TPO577 BCC
Grey Poplar	452 shown on Section G, Sheet 3	Fell	TPO577 BCC
Grey Poplar	454 shown on Section G, Sheet 3	Fell	TPO577 BCC
Sycamore	455 shown on Section G, Sheet 3	Fell	TPO577 BCC
Grey Willow	456 shown on Section G, Sheet 3	Fell	TPO577 BCC
Sycamore	457 shown on Section G, Sheet 3	Prune	TPO577 BCC
Grey Poplar	640 shown on Section G, Sheet 1	Prune	TPO317 & TPO908 NSo
Grey Poplar	641 shown on Section G, Sheet 1	Prune	TPO317 & TPO908 NSo
Balsam Poplar	643 shown on Section G, Sheet 1	Prune	TPO317 & TPO908 NSo
Grey Poplar	650 shown on Section G, Sheet 1	Prune	TPO317 & TPO908 NSo
Oak	1626 shown on Section D, Sheet 13	Could be affected	TPO698 NSo
Holly	1641 shown on Section D, Sheet 13	Fell	TPO698 NSo
Oak	1643 shown on Section D, Sheet 13	Fell	TPO698 NSo
Oak	1655 shown on Section D, Sheet 13	Could be affected	TPO698 NSo
Ash	1676 shown on Section D, Sheet 13	Could be affected	TPO698 NSo
Oak	1678 shown on Section D, Sheet 13	Could be affected	TPO698 NSo
Oak	1720 shown on Section D, Sheet 13	Could be affected	TPO698 NSo
Ash	1750 shown on Section D, Sheet 13	Could be affected	TPO698 NSo
Ash	1751 shown on Section D, Sheet 13	Could be affected	TPO698 NSo
Ash	1752 shown on Section D, Sheet 13	Could be affected	TPO698 NSo
Alder	1753 shown on Section D, Sheet 13	Could be affected	TPO698 NSo
Ash	1754 shown on Section D, Sheet 13	Could be affected	TPO698 NSo
Ash	1755 shown on Section D, Sheet 13	Could be affected	TPO698 NSo

## PROTECTIVE PROVISIONS

## PART 1

PROTECTION FOR ELECTRICITY, GAS, WATER AND SEWERAGE  
UNDERTAKERS

1. The provisions of this Part have effect for the protection of statutory undertakers unless otherwise agreed in writing between the undertaker and the statutory undertaker in question.

2. In this Part—

“alternative apparatus” means alternative apparatus adequate to enable the statutory undertaker in question to fulfil its statutory functions in a manner not less efficient than previously;

“apparatus” means—

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

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

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

“functions” includes powers and duties;

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

“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(c);

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(a) 1989 c.29.

(b) 1991 c.56.

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

(c) a water undertaker within the meaning of the Water Industry Act 1991;

(d) a sewerage undertaker;

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.** This Part does not apply to apparatus in respect of which the relations between the undertaker and the statutory undertaker are regulated by Part 3 of the 1991 Act.

**4.** Despite any provision in this Order or anything shown on the Land Plans, the undertaker must not acquire any apparatus otherwise than by agreement.

**5.—(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 and any right of a statutory undertaker to maintain that apparatus in that land must not be extinguished until alternative apparatus has been constructed and is in operation to the reasonable satisfaction of the statutory undertaker in question.

(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.

(3) If alternative apparatus or any part of such apparatus is to be constructed as a consequence of the removal of apparatus placed on the land referred to in sub-paragraph (2), the statutory undertaker in question, must on receipt of a written notice to that effect from the undertaker, as soon as reasonably possible use its best endeavours to obtain the necessary facilities and rights in other land in which the alternative apparatus is to be constructed

(4) 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 49 (arbitration), and after the grant to the statutory undertaker of any such facilities and rights as are referred to in sub-paragraph (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 this Part.

(5) Despite anything in sub-paragraph (4), 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, that work, instead of being executed by the statutory undertaker, must be executed by the undertaker without unnecessary delay under the superintendence, if given, and to the reasonable satisfaction of the statutory undertaker.

(6) Nothing in sub-paragraph (5) 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.

**6.—(1)** Not less than 28 days before starting the execution of any works of the type referred to in paragraph 5(2) that are near to, or will or may affect, any apparatus the removal of which has not been required by the undertaker under paragraph 5(2), the undertaker must submit to the statutory undertaker in question a plan, section and description of the works to be executed.

(2) Those works must be executed only in accordance with the plan, section and description submitted under sub-paragraph (1) and in accordance with such reasonable requirements as may be made in accordance with sub-paragraph (3) by the 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 a period of 28 days beginning with the date on which a plan, section and description under sub-paragraph (1) are submitted to it.

(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, paragraph 5 applies as if the removal of the apparatus had been required by the undertaker under sub-paragraph (2) of that paragraph.

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

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

7.—(1) Subject to the following provisions of this paragraph, the undertaker must pay to the statutory undertaker in question the proper and reasonable expenses reasonably incurred by that statutory undertaker in, or in connection with, the inspection, removal, alteration or protection of any apparatus.

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

(3) If in accordance with this Part—

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

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker or, in default of agreement, is not determined by arbitration in accordance with article 49 to be necessary, then, if such placing involves cost in the construction of works under this Part exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to the statutory undertaker in question by virtue of sub-paragraph (1) is to be reduced by the amount of that excess.

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

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

(5) An amount which apart from this sub-paragraph would be payable to a statutory undertaker in respect of works by virtue of sub-paragraph (1) 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 in question 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.

## PART 2

### PROTECTION FOR OPERATORS OF ELECTRONIC COMMUNICATIONS CODE NETWORKS

**8.**—(1) The provisions of this Part have effect for the protection of operators unless otherwise agreed in writing between the undertaker and the operator in question.

(2) In this Part—

“2003 Act” means the Communications Act 2003;

“conduit system” has the same meaning as in the electronic communications code; and references to providing a conduit system are to be construed in accordance with paragraph 1(3A) of that code;

“electronic communications apparatus” has the same meaning as in the electronic communications code;

“electronic communications code” has the same meaning as in Chapter 1 of Part 2 of the 2003 Act<sup>(a)</sup>;

“electronic communications code network” means—

- (a) so much of an electronic communications network or conduit system provided by an electronic communications code operator as is not excluded from the application of the electronic communications code by a direction under section 106 of the 2003 Act; and
- (b) an electronic communications network which the Secretary of State is providing or proposing to provide;

“electronic communications code operator” means a person in whose case the electronic communications code is applied by a direction under section 106 of the 2003 Act;

“operator” means the operator of an electronic communications code network.

**9.** The exercise of the powers in article 33 (statutory undertakers) is subject to paragraph 23 of Schedule 2 to the Telecommunications Act 1984<sup>(b)</sup>.

**10.**—(1) Subject to sub-paragraphs (2) to (3), if as the result of the authorised development or its construction, or of any subsidence resulting from any of those works, any damage is caused to any electronic communications apparatus belonging to an operator (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works) or other property of an operator, the undertaker must bear and pay the cost reasonably and properly incurred by the operator in making good such damage.

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

(3) Any difference arising between the undertaker and the operator under this paragraph must be referred to and settled by arbitration under article 49 (arbitration).

**11.** This Part does not apply to—

- (a) any apparatus in respect of which the relations between the undertaker and an operator are regulated by Part 3 of the 1991 Act; or
- (b) any damage, or any interruption, caused by electro-magnetic interference arising from the construction or use of the authorised development.

**12.** Nothing in this Part affects the provisions of any enactment or agreement regulating the relations between the undertaker and an operator in respect of any apparatus laid or erected in land belonging to the undertaker on the date on which this Order is made.

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(a) See section 106.

(b) 1984 c. 12.



## PART 3

### PROTECTION FOR HIGHWAYS AND TRAFFIC

**13.** The provisions of this Part have effect unless otherwise agreed in writing between the undertaker and the relevant highway authority;

**14.—(1)** In this Part—

“approved”, in relation to plans, means approved, deemed to be approved or settled by arbitration in accordance with this Part;

“plans” includes sections, designs, drawings, specifications, soil reports, staging proposals, programmes, calculations, methods of construction, risk assessments and details of the extent, timing and duration of any proposed occupation of any highway;

“property of the relevant highway authority” means any apparatus or street furniture of the relevant highway authority affixed to or placed under any highway;

“relevant highway authority”, in relation to a highway, means the highway authority for the area in which the highway is situated.

(2) Wherever in this Part provision is made with respect to the approval or consent of the relevant highway authority, that approval or consent must be in writing and may be given subject to such reasonable terms and conditions as the relevant highway authority may require.

**15.** In exercising the powers conferred by this Order in relation to any highway, the undertaker must have regard to the potential disruption of traffic which may be caused and must seek to minimise such disruption so far as is reasonably practicable.

**16.—(1)** The undertaker must not, without the consent of the relevant highway authority, construct any part of the works authorised by this Order under, or within 50 metres of, the surface of any highway which comprises a carriageway except in accordance with plans submitted to, and approved by, the relevant highway authority.

(2) If within 28 days after such plans have been submitted the relevant highway authority has not approved or disapproved them, it is deemed to have approved the plans as submitted.

(3) In the construction of any part of the said works under a highway no part of it may, except with the consent of the relevant highway authority, be so constructed as to interfere with the provision of proper means of drainage of the surface of the highway or be nearer than 2 metres to the surface of the highway.

**17.** The undertaker must not under the powers conferred by or under this Order without the consent of the relevant highway authority, acquire, enter upon or take or use whether temporarily or permanently, or acquire any new rights over, any part of any highway, including subsoil beneath the surface of any highway.

**18.—(1)** Before commencing the construction of, or the carrying out of any work which involves interference with a highway, the undertaker must submit to the relevant highway authority for its approval plans, drawings and particulars (in this paragraph referred to as “plans”) relating to the works, and the works may not be carried out except in accordance with the plans submitted to, and approved by, the relevant highway authority.

(2) If within 28 days after the plans have been submitted the highway authority has not approved or disapproved them, it is deemed to have approved the plans as submitted.

**19.** Any officer of the relevant highway authority duly appointed for the purpose may at all reasonable times, on giving to the undertaker such notice as may in the circumstances be reasonable, enter upon and inspect any part of the works authorised by this Order which—

(a) is in, over or under any highway, or

(b) which may affect any highway or any property of the relevant highway authority,

during the carrying out of the work, and the undertaker must give to the officer all reasonable facilities for such inspection and, if the officer is of the opinion that the construction of the work is

attended with danger to any highway or to any property of the relevant highway authority on or under any highway, the undertaker must adopt such measures and precautions as may be reasonably practicable for the purpose of preventing any damage or injury to the highway.

**20.**—(1) The undertaker must not alter, disturb or in any way interfere with any property of the relevant highway authority on or under any highway, or the access thereto, without the consent of the relevant highway authority, and any alteration, diversion, replacement or reconstruction of any such property which may be necessary is to be made by the relevant highway authority or the undertaker as the relevant highway authority thinks fit, and the expense reasonably incurred by the relevant highway authority in so doing must be paid to the relevant highway authority by the undertaker.

(2) If within 28 days after a request for consent has been submitted the relevant highway authority has not given or refused such consent, it is deemed to have consented to the request as submitted.

**21.** The undertaker must not remove any soil or material from any highway except so much as must be excavated in the carrying out of the works authorised by this Order.

**22.**—(1) If the relevant highway authority, after giving to the undertaker not less than 28 days' notice (or, in case of emergency, such notice as is reasonably practicable) of its intention to do so, incurs any additional expense in the signposting of traffic diversions, in the diversion of footpaths, in the taking of other measures in relation to that or in the repair of any highway by reason of the diversion to that traffic from a road of a higher standard, in consequence of the construction of the works authorised by this Order, the undertaker must pay to the relevant highway authority the amount of any such expense reasonably so incurred.

(2) An amount which apart from this sub-paragraph would be payable to the relevant highway authority by virtue of this paragraph in respect of the repair of any highway must, if the highway fell or would have fallen due for repair as part of the maintenance programme of the relevant highway authority at any time within 10 years of the repair being carried out by the undertaker, so as to confer on the relevant highway authority financial benefit (whether by securing the completion of overdue maintenance work for which the relevant highway authority is liable or by deferment of the time for such work in the ordinary course), be reduced by the amount which represents that benefit.

**23.**—(1) The undertaker must not, except with the consent of the relevant highway authority,—

- (a) deposit any soil or materials, or stand any plant, on or over any highway so as to obstruct or render less safe the use of the highway by any person; or
- (b) deposit any soil or materials on any highway outside a hoarding.

(2) If within 28 days after request for it the consent of the relevant highway authority is neither given nor refused, it is deemed to have been given.

(3) The expense reasonably incurred by the relevant highway authority in removing any soil or materials deposited on any highway in contravention of this paragraph must be paid to the relevant highway authority by the undertaker.

**24.** The undertaker must not, except with the consent of the relevant highway authority, erect or retain on or over a highway to which the public continues to have access any scaffolding or other structure which obstructs the highway.

**25.** The undertaker must, if reasonably so required by the relevant highway authority, provide and maintain to the reasonable satisfaction of the relevant highway authority, during such time as the undertaker may occupy any part of a highway for the purpose of the construction of any part of the works authorised by this Order, temporary bridges and temporary ramps for vehicular or pedestrian traffic over any part of the works or in such other position as may be necessary to prevent undue interference with the flow of traffic in the highway.

**26.**—(1) Where any part of any highway has been broken up or disturbed by the undertaker and not permanently stopped up or diverted, the undertaker must make good the subsoil, foundations and surface of that part of the highway to the reasonable satisfaction of the relevant highway

authority, and must maintain the same to the reasonable satisfaction of the relevant highway authority for such time as may reasonably be required for the permanent reinstatement of the highway. No such works may take place except with the consent of the relevant highway authority.

(2) The reinstatement of that part of the highway must be carried out by the undertaker to the reasonable satisfaction of the relevant highway authority in accordance with such requirements as to specification of material and standards of workmanship as may be prescribed for equivalent reinstatement work by regulations made under section 71 of the 1991 Act.

**27.** If any damage to any highway or any property of the relevant highway authority on or under any highway is caused by, or results from, the construction of any work authorised by this Order or any act or omission of the undertaker, its contractors, agents or employees whilst engaged upon such work, the undertaker may, in the case of damage to a highway, make good such damage to the reasonable satisfaction of the relevant highway authority and, where the undertaker does not make good, or in the case of damage to property of the relevant highway authority, the undertaker must pay compensation to the relevant highway authority. No such works may take place except with the consent of the relevant highway authority.

**28.** The fact that any act or thing may have been done in accordance with plans approved by the relevant highway authority does not (if it was not attributable to the act, neglect or default of the relevant highway authority, any person in its employ, its contractors or its agents) exonerate the undertaker from any liability, or affect any claim for damages, under this Part or otherwise.

**29.** Any difference arising between the undertaker and the relevant highway authority under this Part (other than in difference as to the meaning or construction of this Part) must be resolved by arbitration under article 49 (arbitration).

## PART 4

### PROTECTION FOR RAILWAY INTERESTS

**30.** The provisions of this Part have effect unless otherwise agreed in writing between the undertaker and Network Rail.

**31.** In this Part—

“construction” includes execution, placing, alteration and reconstruction and “construct” and “constructed” have corresponding meanings;

“engineer” means an engineer appointed by Network Rail for the purposes of this Order;

“network licence” means the network licence, as amended from time to time, granted to Network Rail by the Secretary of State in exercise of the powers in section 8 of the Railways Act 1993(a);

“Network Rail” means Network Rail Infrastructure Limited (registered company number 2904587) and any associated company of Network Rail Infrastructure Limited which holds property for railway purposes; and for the purpose of this definition “associated company” means any company which is (within the meaning of section 1159 of the Companies Act 2006(b)) the holding company of Network Rail Infrastructure Limited, a subsidiary of Network Rail Infrastructure Limited or another subsidiary of the holding company of Network Rail Infrastructure Limited;

“plans” includes sections, designs, design data, software, drawings, specifications, soil reports, calculations, descriptions (including descriptions of methods of construction), staging proposals, programmes and details of the extent, timing and duration of any proposed occupation of railway property;

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(a) 1993 c. 43.

(b) 2006 c. 40.

“railway operational procedures” means procedures specified under any access agreement (as defined in the Railways Act 1993) or station lease;

“railway property” means—

- (a) any railway belonging to Network Rail;
- (b) any station, land, works, apparatus and equipment belonging to Network Rail and connected with any such railway; and
- (c) any easement or other property interest held or used by Network Rail for the purposes of such railway or works, apparatus or equipment;

“specified work” means so much of any of the authorised development as is situated upon, across, under, over or within 15 metres of, or may in any way adversely affect, railway property.

**32.—**(1) Where under this Part Network Rail is required to give its consent or approval in respect of any matter, that consent or approval is subject to the condition that Network Rail complies with any relevant railway operational procedures and any obligations under its network licence or under statute.

(2) In so far as any specified work or the acquisition or use of railway property is or may be subject to railway operational procedures, Network Rail must—

- (a) co-operate with the undertaker with a view to avoiding undue delay and securing conformity as between any plans approved by the engineer and requirements emanating from those procedures; and
- (b) use its reasonable endeavours to avoid any conflict arising between the application of those procedures and the proper implementation of the authorised development pursuant to this Order.

**33.—**(1) The undertaker must before commencing construction of any specified work supply to Network Rail proper and sufficient plans of that work for the reasonable approval of the engineer and the specified work must not be commenced except in accordance with such plans as have been approved in writing by the engineer or settled by arbitration under article 49 (arbitration).

(2) The approval of the engineer under sub-paragraph (1) must not be unreasonably withheld, and if by the end of the period of 28 days beginning with the date on which the plans have been supplied to Network Rail the engineer has not intimated disapproval of those plans and the grounds of disapproval, the undertaker may serve upon the engineer written notice requiring the engineer to intimate approval or disapproval within a further period of 28 days beginning with the date upon which the engineer receives written notice from the undertaker and if, by the expiry of the further 28 days period specified in the written notice the engineer has not intimated approval or disapproval, the engineer is deemed to have approved the plans as submitted.

(3) If by the end of the period of 28 days beginning with the date on which written notice was served upon the engineer under sub-paragraph (2), Network Rail gives notice to the undertaker that Network Rail desires itself to construct any part of a specified work which in the opinion of the engineer will or may affect the stability of railway property or the safe operation of traffic on the railways of Network Rail then, if the undertaker desires such part of the specified work to be constructed, Network Rail must construct it with all reasonable dispatch on behalf of and to the reasonable satisfaction of the undertaker in accordance with the plans approved or deemed to be approved or settled under this paragraph, and under the supervision (where appropriate and if given) of the undertaker.

(4) When signifying approval of the plans, the engineer may specify any protective works (whether temporary or permanent) which in the opinion of the engineer must be carried out before the commencement of the construction of a specified work to ensure the safety or stability of railway property or the continuation of safe and efficient operation of the railways of Network Rail or the services of operators using them (including any relocation, de-commissioning and removal of works, apparatus and equipment necessitated by a specified work and the comfort and safety of passengers who may be affected by the specified work), and such protective works as may be reasonably necessary for those purposes are to be constructed by Network Rail or by the

undertaker, if Network Rail so desires, and such protective works must be carried out at the expense of the undertaker in either case with all reasonable dispatch, and the undertaker must not commence the construction of the specified work until the engineer has notified the undertaker that the protective works have been completed to the engineer's reasonable satisfaction.

**34.**—(1) Any specified work and any protective works to be constructed by virtue of paragraph 33(4) must, when commenced, be constructed—

- (a) with all reasonable dispatch in accordance with the plans approved or deemed to have been approved or settled under paragraph 33;
- (b) under the supervision (where appropriate and if given) and to the reasonable satisfaction of the engineer;
- (c) in such manner as to cause as little damage as is possible to railway property; and
- (d) so far as is reasonably practicable, so as not to interfere with or obstruct the free, uninterrupted and safe use of any railway of Network Rail or the traffic thereon and the use by passengers of railway property.

(2) If any damage to railway property or any such interference or obstruction is caused by the carrying out of, or in consequence of the construction of a specified work, the undertaker must, notwithstanding any such approval, make good such damage and pay to Network Rail all reasonable expenses to which Network Rail may be put and compensation for any loss which it may sustain by reason of any such damage, interference or obstruction.

(3) Nothing in this Part imposes any liability on the undertaker with respect to any damage, costs, expenses or loss attributable to the negligence of Network Rail or its servants, contractors or agents or any liability on Network Rail with respect of any damage, costs, expenses or loss attributable to the negligence of the undertaker or its servants, contractors or agents.

**35.** The undertaker must—

- (a) at all times afford reasonable facilities to the engineer for access to a specified work during its construction; and
- (b) supply the engineer with all such information as the engineer may reasonably require with regard to a specified work or the method of constructing it.

**36.** Network Rail must at all times afford reasonable facilities to the undertaker and its agents for access to any works carried out by Network Rail under this Part during their construction and must supply the undertaker with such information as it may reasonably require with regard to such works or the method of constructing them.

**37.**—(1) If any permanent or temporary alterations or additions to railway property are reasonably necessary in consequence of the construction of a specified work, or during a period of 12 months after the completion of that work, in order to ensure the safety of railway property or the continued safe operation of the railway of Network Rail, such alterations and additions may be carried out by Network Rail; and if Network Rail gives to the undertaker reasonable notice of its intention to carry out such alterations or additions (which must be specified in the notice), the undertaker must pay to Network Rail the reasonable cost of those alterations or additions including, in respect of any such alterations and additions as are to be permanent, a capitalised sum representing the increase of the costs which may be expected to be reasonably incurred by Network Rail in maintaining, working and, when necessary, renewing any such alterations or additions.

(2) If during the construction of a specified work by the undertaker, Network Rail gives notice to the undertaker that Network Rail desires itself to construct that part of the specified work which in the opinion of the engineer is endangering the stability of railway property or the safe operation of traffic on the railways of Network Rail, then, if the undertaker decides that part of the specified work is to be constructed, Network Rail must assume construction of that part of the specified work, and the undertaker must, notwithstanding any such approval of a specified work under paragraph 33(1), pay to Network Rail all reasonable expenses to which Network Rail may be put and compensation for any loss which it may suffer by reason of the execution by Network Rail of that specified work.

(3) The engineer must, in respect of the capitalised sums referred to in this paragraph and paragraph 38(a) provide such details of the formula by which those sums have been calculated as the undertaker may reasonably require.

(4) If the cost of maintaining, working or renewing railway property is reduced in consequence of any such alterations or additions, a capitalised sum representing the saving must be set off against any sum payable by the undertaker to Network Rail under this paragraph.

**38.** The undertaker must pay to Network Rail all reasonable fees, costs, charges and expenses reasonably incurred by Network Rail—

- (a) in constructing any part of a specified work on behalf of the undertaker as provided by paragraph 33(3) or in constructing any protective works under paragraph 33(4) including, in respect of any permanent protective works, a capitalised sum representing the cost of maintaining and renewing those works;
- (b) in respect of the approval by the engineer of plans submitted by the undertaker and the supervision by the engineer of the construction of a specified work;
- (c) in respect of the employment or procurement of the services of any inspectors, signallers, guards and other persons whom it is reasonably necessary to appoint for inspecting, signalling, watching and lighting railway property and for preventing, so far as may be reasonably practicable, interference, obstruction, danger or accident arising from the construction or failure of a specified work;
- (d) in respect of any special traffic working resulting from any speed restrictions which may in the opinion of the engineer, need to be imposed by reason or in consequence of the construction or failure of a specified work or from the substitution or diversion of services which may be reasonably necessary for the same reason; and
- (e) in respect of any additional temporary lighting of railway property in the vicinity of the specified works, being lighting made reasonably necessary by reason or in consequence of the construction or failure of a specified work.

**39.—**(1) In this paragraph—

“EMI” means, subject to sub-paragraph (2), electromagnetic interference with Network Rail apparatus generated by the operation of the authorised development where such interference is of a level which adversely affects the safe operation of Network Rail’s apparatus;

“Network Rail’s apparatus” means any lines, circuits, wires, apparatus or equipment (whether or not modified or installed as part of the authorised development) which are owned or used by Network Rail for the purpose of transmitting or receiving electrical energy or of radio, telegraphic, telephonic, electric, electronic or other like means of signalling or other communications.

(2) This paragraph applies to EMI only to the extent that the EMI is not attributable to any change to Network Rail’s apparatus carried out after approval of plans under paragraph 33(1) for the relevant part of the authorised development giving rise to EMI (unless the undertaker has been given notice in writing before the approval of those plans of the intention to make such change).

(3) Subject to sub-paragraph (5), the undertaker must in the design and construction of the authorised development take all measures necessary to prevent EMI and must establish with Network Rail (both parties acting reasonably) appropriate arrangements to verify their effectiveness.

(4) In order to facilitate the undertaker’s compliance with sub-paragraph (3)—

- (a) the undertaker must consult with Network Rail as early as reasonably practicable to identify all Network Rail’s apparatus which may be at risk of EMI, and thereafter continue to consult with Network Rail (both before and after formal submission of plans under paragraph 33(1)) in order to identify all potential causes of EMI and the measures required to eliminate them;
- (b) Network Rail must make available to the undertaker all information in the possession of Network Rail reasonably requested by the undertaker in respect of Network Rail’s apparatus identified pursuant to paragraph (a); and

(c) Network Rail must allow the undertaker reasonable facilities for the inspection of Network Rail's apparatus identified pursuant to paragraph (a).

(5) In any case where it is established that EMI can reasonably be prevented only by modifications to Network Rail's apparatus, Network Rail must not withhold its consent unreasonably to modifications of Network Rail's apparatus, but Network Rail may, in its reasonable discretion, select the means of prevention and the method of their execution, and in relation to such modifications paragraph 33(1) has effect subject to this sub-paragraph.

(6) If at any time prior to the commencement of regular revenue-earning operations comprised in the authorised development and notwithstanding any measures adopted pursuant to sub-paragraph (3), the testing or commissioning of the authorised development causes EMI, then the undertaker must immediately upon receipt of notification by Network Rail of the EMI either in writing or communicated orally (such oral communication to be confirmed in writing as soon as reasonably practicable after it has been issued) forthwith cease to use (or procure the cessation of use of) the undertaker's apparatus causing the EMI until all measures necessary have been taken to remedy the EMI by way of modification to the source of the EMI or (in the circumstances, and subject to the consent, specified in sub-paragraph (5)) to Network Rail's apparatus.

(7) In the event of EMI having occurred—

- (a) the undertaker must afford reasonable facilities to Network Rail for access to the undertaker's apparatus in the investigation of the EMI;
- (b) Network Rail must afford reasonable facilities to the undertaker for access to Network Rail's apparatus in the investigation of the EMI; and
- (c) Network Rail must make available to the undertaker any additional material information in its possession reasonably requested by the undertaker in respect of Network Rail's apparatus or the EMI.

(8) Where Network Rail approves modifications to Network Rail's apparatus pursuant to sub-paragraphs (5) or (6)—

- (a) Network Rail must allow the undertaker reasonable facilities for the inspection of the relevant part of Network Rail's apparatus;
- (b) any modifications to Network Rail's apparatus approved pursuant to those sub-paragraphs must be carried out and completed by the undertaker in accordance with paragraph 34.

(9) For the purpose of paragraph 38(a) any modifications to Network Rail's apparatus under this paragraph are deemed to be protective works referred to in that sub-paragraph.

(10) In relation to any dispute arising under this paragraph, the reference in article 49 (arbitration) to the Secretary of State must be read as a reference to the President of the Institution of Engineering and Technology.

**40.** If at any time after the completion of a specified work, not being a work vested in Network Rail, Network Rail gives notice to the undertaker informing it that the state of maintenance of any part of the specified work appears to be such as adversely affects the operation of railway property, the undertaker must, on receipt of such notice, take such steps as may be reasonably necessary to put that specified work in such state of maintenance as not adversely to affect railway property.

**41.** The undertaker must not provide any illumination or illuminated sign or signal on or in connection with a specified work in the vicinity of any railway belonging to Network Rail unless it has first consulted Network Rail, and it must comply with Network Rail's reasonable requirements for preventing confusion between such illumination or illuminated sign or signal and any railway signal or other light used for controlling, directing or securing the safety of traffic on the railway.

**42.** Any additional expenses which Network Rail may reasonably incur in altering, reconstructing or maintaining railway property under any powers existing at the making of this Order by reason of the existence of a specified work must, provided that at least 56 days' prior

notice of the commencement of such alteration, reconstruction or maintenance has been given to the undertaker, be paid by the undertaker to Network Rail.

43.—(1) The undertaker must—

- (a) pay to Network Rail all reasonable and proper costs, charges, damages and expenses not otherwise provided for in this Part (but subject to the provisions of this paragraph) which may be occasioned to or reasonably incurred by Network Rail by reason of—
  - (i) the construction or maintenance of a specified work or the failure of such a work; or
  - (ii) any act or omission of the undertaker or of any person in its employ or of its contractors or others whilst engaged upon a specified work; and
- (b) indemnify and keep indemnified Network Rail from and against all claims and demands arising out of or in connection with a specified work or any such failure, act or omission.

(2) The fact that any act or thing may have been done by Network Rail on behalf of the undertaker or in accordance with plans approved by the engineer or in accordance with any requirement of the engineer or under the supervision of the engineer does not (if it was done without negligence on the part of Network Rail or of any person in its employ or of its contractors or agents) excuse the undertaker from any liability under sub-paragraph (1).

(3) Network Rail must—

- (a) give the undertaker written notice of any such claims or demands as soon as reasonably possible after Network Rail become aware of any such claims or demands;
- (b) not admit liability or make any offer to settle or settle or compromise any such claim or demand without the prior 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);
- (c) take all reasonable steps to mitigate any liabilities relating to such claims or demands; and
- (d) keep the undertaker informed in relation to the progress of any such claims and demands and pay due regard to the undertaker's reasonable representations in relation to them.

(4) In no circumstances is the undertaker liable to Network Rail under sub-paragraph (1) for any indirect or consequential loss or loss of profits, save that the sums payable by the undertaker under that sub-paragraph include a sum equivalent to the relevant costs in circumstances where—

- (a) Network Rail is liable to make payment of the relevant costs pursuant to the terms of an agreement between Network Rail and a train operator; and
- (b) the existence of that agreement and the extent of Network Rail's liability to make payment of the relevant costs pursuant to its terms has previously been disclosed in writing to the undertaker,

but not otherwise.

(5) Subject to the terms of any agreement between Network Rail and a train operator regarding the amount, timing or method of payment of the relevant costs in respect of that train operator, Network Rail must promptly pay to each train operator the amount of any sums which Network Rail receives under sub-paragraph (4) which relates to the relevant costs of that train operator.

(6) The obligation under sub-paragraph (4) to pay Network Rail the relevant costs is, in the event of default, enforceable directly by any train operator concerned to the extent that such sums would be payable to that operator pursuant to sub-paragraph (5).

(7) In this paragraph—

“relevant costs” means the costs, direct losses and expenses (including loss of revenue) reasonably incurred by a train operator as a consequence of any restriction of the use of Network Rail's railway network as a result of the construction, maintenance or failure of a specified work or any such act or omission as mentioned in sub-paragraph (1);

“train operator” means any person who is authorised to act as the operator of a train by a licence under section 8 of the Railways Act 1993.



**44.** Network Rail must, on receipt of a request from the undertaker, from time to time provide the undertaker free of charge with written estimates of the costs, charges, expenses and other liabilities for which the undertaker is or will become liable under this Part with such information as may reasonably enable the undertaker to assess the reasonableness of any such estimate or claim made or to be made pursuant to this Part.

**45.** In the assessment of any sums payable to Network Rail under this Part, no account must be taken of any increase in the sums claimed that is attributable to any action taken by or any agreement entered into by Network Rail if that action or agreement was not reasonably necessary and was taken or entered into with a view to obtaining the payment of those sums by the undertaker under this Part or increasing the sums so payable.

**46.** The undertaker and Network Rail may, subject in the case of Network Rail to compliance with the terms of its network licence, enter into, and carry into effect, agreements for the transfer to the undertaker of—

- (a) any railway property shown on the Works Plans and Land Plans and described in the Book of Reference;
- (b) any lands, works or other property held in connection with any such railway property; and
- (c) any rights and obligations (whether or not statutory) of Network Rail relating to any railway property or any lands, works or other property referred to in this paragraph.

**47.** Nothing in this Order, or in any enactment incorporated with or applied by this Order, prejudices or affects the operation of Part 1 of the Railways Act 1993.

**48.** The undertaker must no later than 28 days from the date that the plans submitted to and certified by the Secretary of State in accordance with article 44 (certification of plans etc.) are certified by the Secretary of State, provide a set of those plans to Network Rail in the form of a computer disc with read-only memory.

## PART 5

### PROTECTION FOR FIRST CORPORATE SHIPPING LIMITED

**49.** The provisions of this Part have effect unless otherwise agreed in writing between the undertaker and BPC.

#### **Definitions**

**50.**—(1) In this Part—

“access works” means works—

- (a) on, over or under or otherwise affecting a private street or a dock public road, including the kerbs, verges and carriageway of such street;
- (b) to alter, modify, improve or create accesses to or from any private street or dock public road or any other part of BPC’s land, including, without limitation, the construction of access bellmouths and haul roads; and
- (c) to position or install plant, equipment or scaffolding on or over any private street or a dock public road,

and includes, without limitation on the scope of the foregoing, any works under article 10 (street works) or article 12 (power to alter layout, etc. of streets) in respect of or affecting any private street or any dock public road;

“ancillary work” means so much of any of the authorised development as is situated on, over, across, or under BPC’s land and comprises—

- (a) fencing and lighting measures in relation to permanent buildings, structures and apparatus and in relation to temporary working areas and construction compounds;

- (b) piling;
- (c) the erection and use of scaffolding;
- (d) temporary works (including erecting temporary buildings) and mitigation works, including, without limitation, the provision and maintenance of landscaping and replacement planting pursuant to this Order; and
- (e) those parts of Work No. 4P comprising excavations for the purpose of installing underground electric or fibre-optic cables, the installation of underground ducts and backfilling of excavations;

“BPC” means First Corporate Shipping Limited (registered company number 2542406), trading as The Bristol Port Company, being the statutory harbour authority and competent harbour authority for the Port;

“BPC’s land” means the whole and each of every part of all the leasehold and freehold land and rights and the benefit of all covenants, owned by or vested in BPC at Avonmouth, Chittening and Portbury—

- (a) on, under, over or in respect of which any powers conferred by this Order may be exercised; or
- (b) on, under or over which there is situated anything over or in respect of which any such powers may be exercised,

and includes, without limitation on the scope of the foregoing, any private street;

“construction access rights” means any and all powers conferred on the undertaker by this Order to exercise temporary powers of access over any land with or without vehicles, plant and equipment including, without limitation on the scope of the foregoing, any ancillary powers to remove buildings, structures, pylons and vegetation from that land and to construct works for the purpose of providing a means of access, and including all such powers whether conferred and described in the Book of Reference as rights or subordinate rights;

“dock access network” means each street set out in column (2) of the following table to the extent that it is maintainable highway—

<i>(1)</i> <i>Local Authority Area</i>	<i>(2)</i> <i>Name of Street</i>
North Somerset Council	A369 Portbury Hundred
	Sheepway (including Station Road)
	Wharf Lane
Bristol City Council	West Town Road
	Gloucester Road
	King Road Avenue
	Crowley Way
	Portway
	A403 St Andrew’s Road, A403 Smoke Lane, A403 Chittening Road and A403 Severn Road
	Severn Road
	Ableton Lane
Minors Lane	
North Somerset Council and Bristol City Council	Motorway M5

“dock public road” means each streets set out on column (2) of the following table to the extent that it is maintainable highway—

<i>(1)</i> <i>Local Authority Area</i>	<i>(2)</i> <i>Name of Street</i>
North Somerset Council	Marsh Lane
	Redland Avenue
	Gordano Way
	Garonor Way
	Royal Portbury Dock Road
	Portbury Way

“drainage works” means works to create, alter or remove any culvert or other crossing over, under or affecting any watercourse or drainage ditch on, over or under BPC’s land;

“maintainable highway” has the same meaning as in section 86(1) of the 1991 Act;

“plans” includes sections, designs, drawings and specifications and construction methodologies;

“Port” means the port and harbour of Bristol;

“powers of temporary possession” means—

(a) in relation to National Grid, the powers conferred by article 29 (temporary use of land by National Grid); and

(b) in relation to WPD, the powers conferred by article 30 (temporary use of land by WPD);

“private access” means each of the private streets within the districts of North Somerset Council or Bristol City Council (and referred to in this Order as The Drove and Victoria Road);

“private street” means any street on BPC’s land which is not a maintainable highway;

“works programme” means the final programme for the execution of the authorised development on, over or under BPC’s land presented to BPC under paragraph 57, together with such amendments to that programme as may from time to time be agreed in writing between BPC and National Grid, each acting reasonably and without delay.

(2) In this Part, references to a requirement to consult include that consultation must take place in good faith and in a timely manner with the provision of all reasonably necessary information and that the party concerned must act reasonably in taking into account the reasonable comments made by the other party in response.

(3) In this Part, references to BPC’s consent, approval or agreement, are to BPC’s prior consent, approval or agreement given in writing.

### **Compliance with design drawings**

**51.—**(1) Despite any provision in this Order, but subject to sub-paragraph (2), the undertaker must use its best endeavours to ensure that all parts of the authorised development which are to be constructed on, over or under BPC’s land are constructed and installed in the lines and situations shown on the Works Plans.

(2) In carrying out the authorised development for which it is granted development consent by this Order on, over or under BPC’s land the undertaker may deviate laterally from the lines and situations of the authorised development shown on the Works Plans to a maximum extent of 5 metres in each direction (or to such greater or lesser extent as may be agreed between BPC and the undertaker, but subject always to article 5(1)(a) (limits of deviation)).

(3) Despite any provision in this Order, no part of the authorised development comprising a conductor forming part of any 132kV or 400kV overhead electrical line must be constructed or installed on or over any part of BPC’s land at a level which is more than 30 centimetres lower than the level of that conductor as shown on the design drawings.

(4) Despite any provision in this Order, in constructing the authorised development the undertaker must not construct or install any relevant pylon of a design other than that specified for that relevant pylon in the design drawings.

(5) In sub-paragraph (4) a “relevant pylon” means a pylon located on or over BPC’s land or on or over any other land if any conductor associated with that pylon will be situated on or over BPC’s land.

### **Access, streets and public rights of way**

**52.—**(1) The undertaker must not exercise any powers under article 10 (street works) in respect of any private access.

(2) The undertaker must not exercise any powers under —

- (a) article 12(1) (power to alter layout, etc. of streets) in respect of or so as to affect any private access; or
- (b) article 12(2) or article 14 (access to works) in respect of or so as to affect any private street or any dock public road or any part of BPC’s land.

(3) The undertaker must before commencing construction of any access works supply to BPC proper and sufficient plans of that work for the approval of BPC, and the access works must not be commenced or executed except in accordance with such plans as have been approved by BPC.

(4) In carrying out any access works, the undertaker must not so far as reasonably practicable interfere with or obstruct the free, uninterrupted and safe use by other traffic of any street or interfere with street furniture, signage and lighting masts.

(5) The undertaker must not exercise any powers under article 13 (temporary stopping up of streets and public rights of way) or article 40 (traffic regulation) in respect of—

- (a) any private street;
- (b) any dock public road without BPC’s consent;
- (c) public right of way LA/15/22 except in relation to that part lying between point RW144 (as shown on Section F, Sheet 4 of the access and rights of way plans) and the point on the right of way 180 metres south of the southernmost limit of deviation for Work No. 4P as shown on Works Plan Section F, Sheet 4;
- (d) any part of public rights of way LA/15/15 or LA/15/22 or any part of any other public right of way specified in Schedule 7 which is on BPC’s land unless it has first consulted with BPC;
- (e) any other public right of way on BPC’s land comprising a footpath, bridleway or cycle path without BPC’s consent; and
- (f) any public right of way on BPC’s land comprising a footpath, bridleway or cycle path unless a suitable diversion has been provided, to be approved by BPC or, if any restrictions on use short of closure will be imposed, unless BPC has approved the nature and extent of those restrictions.

(6) The undertaker must, before submitting any relevant proposals to the relevant highway authority for approval under the provisions of this Order, consult with BPC in relation to—

- (a) any proposed exercise of powers under article 13 or 40 affecting any part of the dock access network; and
- (b) any proposed variations or extensions to such proposals.

(7) Despite any provision of this Order, the undertaker must not, except with the agreement of BPC, exercise any power under article 13 or 40 to use or to authorise the use of any private street or public right of way on BPC’s land or any dock public road as a temporary working site or as a parking place.

(8) The undertaker must not exercise any powers under articles 10, 12, 13, 14 or 40 over or in respect of any part of BPC’s land or any dock public road or any part of the dock access network after completion of construction of the authorised development.

(9) Where BPC is asked to give its consent, approval or agreement under this paragraph, such consent, approval or agreement must not be unreasonably withheld or delayed but may be given subject to reasonable conditions.

### **Watercourses and drainage**

**53.**—(1) No part of any impounded dock at the Port is included within the definition of “watercourse” for any purpose of this Order.

(2) The undertaker must not without BPC’s consent (such consent not to be unreasonably withheld or delayed but which may be given subject to reasonable conditions)—

- (a) use or discharge water into any watercourse, sewer or drain belonging to BPC or in respect of which BPC has rights of use; or
- (b) make any crossing over or culvert, opening or connection into any watercourse, sewer or drain belonging to BPC or in respect of which BPC has rights of use or lay down, take up or alter any pipes for that purpose.

(3) Without limitation on the scope of sub-paragraph (2), any consent given by BPC under this paragraph—

- (a) may be given subject to reasonable conditions as to the quantities of water permitted to be discharged and as to the duration of any use of the relevant watercourse, sewer or drain by the undertaker; and
- (b) does not obviate the need for the undertaker to obtain any further consents required in relation to the activity concerned.

(4) In the exercise of any power under article 16 (discharge of water), the undertaker must not damage or interfere with the bed or banks of any watercourse in, on, over or under BPC’s land.

(5) The undertaker must before commencing construction of any drainage works supply to BPC proper and sufficient plans of that work for the approval of BPC, such approval not to be unreasonably withheld or delayed, and the drainage works must not be commenced or executed except in accordance with such plans as have been approved by BPC.

(6) Paragraph (2) of article 16 does not apply to any dispute relating to any watercourse, sewer or drain belonging to BPC or in respect of which BPC has rights of use.

### **Surveys**

**54.**—(1) The undertaker must not exercise any powers conferred by article 18 (authority to survey and investigate the land) in respect of any of BPC’s land—

- (a) outside the Order limits except to the extent that BPC agrees for the purpose of carrying out non-intrusive surveys, investigations and monitoring only;
- (b) other than to the extent that the exercise of such powers is necessary in connection with carrying out the authorised development; and
- (c) other than by prior agreement with BPC on each and every occasion, such agreement not to be unreasonably withheld or delayed but which may be given subject to reasonable conditions, and on at least 14 days’ notice.

(2) When requesting BPC’s agreement to access under sub-paragraph (1), the undertaker must provide to BPC full details of the land to which access is requested, the activities proposed (including risk assessments and method statements and intended duration of the activities), the identity of the persons who will undertake them and any apparatus that might be left on the affected land.

(3) BPC is, without limitation on the scope of sub-paragraph (1)(c)—

- (a) entitled to refuse access as requested by the undertaker on any occasion for operational reasons, in which case BPC must act reasonably and without delay in seeking to offer alternative arrangements; and

(b) entitled as a condition of its agreement on any occasion to require the production of evidence of the existence of adequate insurance with insurers of repute, the proceeds of which will be available to cover all liability, costs, claims, expenses and demands which may arise as a result of that access.

(4) The undertaker must remove any equipment left on, over or under BPC's land as soon as reasonably possible after completion of the relevant surveys and investigations.

(5) The undertaker must, at its own expense, deliver to BPC as soon as reasonably practicable after their production on a non-reliance basis copies of all survey and ground investigation reports carried out under the powers conferred by article 18 in respect of BPC's land.

### **Use of land and execution, maintenance and use of the authorised development**

**55.**—(1) Despite any provision of this Order or anything shown on the Land Plans, the undertaker must not except with the agreement of BPC (such agreement not to be unreasonably withheld or delayed) exercise any construction access rights over BPC's land other than in respect of parcels G150, G151, G152 and G155 as set out in Section G of the Book of Reference or otherwise use any part of BPC's land for the purpose of gaining access to any part of the authorised development or any other land or in connection with the carrying out, inspection or maintenance of the authorised development.

(2) The undertaker must promptly and at its cost and expense make good any and all damage and wear and tear caused to any part of BPC's land which is used by the undertaker for the purpose of gaining access to the authorised development or any other land or in connection with the carrying out, inspection or maintenance of the authorised development and must restore all such land (together with all associated structures, signs and barriers) to at least as good a condition as they were in before the undertaker's use started including making good the subsoil, foundations and surface of that land.

(3) If required to do so by BPC (acting reasonably), the undertaker must procure that surveys are carried out to a specification approved by BPC (acting reasonably) to show the condition of the relevant land to be used for access (together with all associated structures, signs and barriers) before the undertaker's use of them begins and after that use ends.

(4) If required to do so by BPC (acting reasonably), the undertaker must permit BPC to inspect the execution of all works of reinstatement being carried out under this paragraph in order to ensure compliance by the undertaker with the requirements of this paragraph.

**56.** The undertaker must before commencing the construction of any ancillary work supply to BPC proper and sufficient plans of that work for the approval of BPC, such approval not to be unreasonably withheld or delayed, and the ancillary work must not be commenced or executed except in accordance with such plans as have been approved in writing by BPC.

**57.**—(1) Neither National Grid nor WPD must exercise any powers of temporary possession—

- (a) over or in respect of parcels 326 to 330 (inclusive) as set out in Section F of the Book of Reference and parcels 70 to 81, 86 and 171 to 177 (all references inclusive) as set out in Section G of the Book of Reference;
- (b) other than in accordance with such conditions, terms and measures as may be agreed by BPC for the purpose of this sub-paragraph; and
- (c) (without limitation on the scope of sub-paragraph (1)(b)) unless National Grid or WPD has first complied with the procedures and measures set out in this paragraph.

(2) National Grid must present to BPC not less than 6 months before the intended date of commencing construction the draft programme for the execution of each part of the authorised development on BPC's land.

(3) National Grid must consult with BPC in relation to the draft programme and must present its final programme for the execution of the authorised development on BPC's land to BPC not less than 3 months before the intended date of commencing construction.

(4) Neither National Grid nor WPD must enter on or take temporary possession of any part of BPC's land unless it has served at least 8 weeks' written notice on BPC of its intended entry onto that part.

(5) Neither National Grid nor WPD must serve notice of intended entry under article 29(2) (temporary use of land by National Grid) or 30(2) (temporary use of land by WPD) on any owner or occupier of any part of BPC's land (other than BPC) before the expiry of 4 weeks from the date of service on BPC of notice under sub-paragraph (4) in relation to that same part.

(6) In this paragraph, "intended date of commencing construction" means the first date on which National Grid or WPD wishes to commence construction of any part of the authorised development on, under or over any part of BPC's land.

**58.**—(1) Neither National Grid nor WPD must exercise any powers of temporary possession in respect of any part of BPC's land unless such exercise is provided for in and is in accordance with the works programme.

(2) In the exercise of any powers of temporary possession in respect of any part of BPC's land and in the commencement and execution of the authorised development on BPC's land, National Grid and WPD must—

- (a) use all reasonable endeavours to comply with the works programme;
- (b) proceed diligently with the works affecting each part of BPC's land;
- (c) use all reasonable endeavours to give up possession of each part of BPC's land in accordance with paragraph 59 on or before the anticipated date for so doing applicable to that part set out in the works programme; and
- (d) notify BPC in writing of the completion of the relevant part of the authorised development affecting each part of BPC's land within 7 days of its completion.

(3) In the exercise of any powers of temporary possession in respect of any part of BPC's land neither National Grid nor WPD must—

- (a) use any part of BPC's land other than for the purpose identified in the works programme as applicable to that part; or
- (b) demolish any buildings other than any electric line, electrical plant, structures, pylons or apparatus to be demolished as part of Work No. 4G or Work No. 4P.

**59.**—(1) Unless BPC agrees otherwise, National Grid and WPD must give up possession of each part of BPC's land in respect of which any powers of temporary possession have been exercised within 3 months of completion of construction of the relevant part of the authorised development for which possession of that land was required as specified in the works programme, and having completed all works of removal, restoration and reinstatement in respect of that land required by this Order.

(2) Without limitation on the scope of their respective obligations under paragraphs (5) and (6) of article 29 and paragraphs (5) and (6) of article 30, National Grid or WPD must consult with BPC in relation to the proposed extent of the intended removal of foundations supporting pylons on BPC's land which are to be removed as part of Work No. 4G and Work No. 4P.

(3) Despite any provision of this Order, before giving up possession of any part of BPC's land in respect of which any powers of temporary possession have been exercised, National Grid and WPD must—

- (a) remove all temporary works from that land;
- (b) where foundations (including piles) which had been placed in that land to support pylons, electric lines or other apparatus belonging to National Grid or WPD are removed from BPC's land pursuant to Schedule 1 (authorised development), to the extent reasonably practicable, reinstate the ground to match the surrounding area in relation to both specification and appearance; and
- (c) otherwise restore and reinstate the land and any buildings and structures on the land to the condition they were in before possession was taken and make good any damage caused to surrounding land, all to BPC's reasonable satisfaction.

**60.** In the execution and maintenance of the authorised development under this Order, the undertaker must take all steps and measures reasonably available to it to minimise as far as is reasonably practicable the impact of construction and other activities on BPC’s land, on the operation of the Port and on the activities of the owners and occupiers of that land and customers of the Port.

### **BPC’s apparatus**

**61.**—(1) Despite any provision of this Order or anything shown on the Land Plans, the undertaker must not remove or reposition any of BPC’s apparatus other than with BPC’s consent, such consent not to be unreasonably withheld or delayed.

(2) In this paragraph “BPC’s apparatus” means all and any gas, oil and water pipes, water tanks, cisterns, drains and drainage works, sewers, pumps, electric and communication wires, cables and plant, ducts, conduits, governors, transformers, meters and any other service media, surface water interceptors (and whether in all cases for drainage, gas, oil, water, electricity, telephone, television, data and information transmission or any other service) on BPC’s land or used by BPC in connection with its statutory undertaking.

### **Trees and other vegetation**

**59.** Despite any provision of this Order, in the exercise of any powers under this Order and in the construction, maintenance and use of the authorised development, the undertaker must not remove, cut back, fell or lop any hedge, tree, shrub or other vegetation on BPC’s land unless it has first consulted with BPC as to the works required and the extent, if any, of any replacement planting proposed or required.

### **General**

**60.** The undertaker must in the exercise of any powers under this Order and in the construction, maintenance and use of the authorised development secure compliance with and implementation of all and any applicable conditions, terms and measures contained in any relevant consent, agreement or approval given by BPC for the purpose of this Part.

## **PART 6**

### **PROTECTION FOR THE PORT AUTHORITY**

**61.** The provisions of this Part have effect unless otherwise agreed in writing between the undertaker and the Port Authority.

### **Definitions**

**62.** In this Part—

“notice to mariners” includes any notice to mariners which may be issued by the Admiralty, Trinity House, Queen’s harbourmasters, government departments and harbour and pilotage authorities;

“navigational risk assessment” means any written assessment of any potential risk of any tidal works and includes the following information—

- (a) existing navigational features including extent of authorised channels, existing navigational structures and constraints;
- (b) tidal characteristics;
- (c) existing river uses;
- (d) general navigational arrangements;
- (e) existing site-specific issues;



- (f) existing navigational risks;
  - (g) proposed navigational strategies;
  - (h) delivery schedules; and
  - (i) such other details as may be agreed between the undertaker and the Port Authority;
- “plans and sections” includes sections, elevations, drawings, calculations, specifications, programmes, method statements, assessments of navigational risk relating to the construction, carrying out, maintenance and, where appropriate, removal of any tidal work;
- “specified day” means, in relation to any tidal work, the later of—
- (a) the day on which the detailed method statement for that work is submitted to the Port Authority under paragraph 63(1); and
  - (b) the day on which the undertaker provides all such particulars of the work as have been requested by the Port Authority under paragraph 63(1);
- “temporary work” means any tidal work that is not required for the operation of the authorised development;
- “tidal work” means so much of the authorised development (including any temporary closure to navigation of the relevant part of the river under article 39 (temporary closure of, and works in, the River Avon) that is on, in, under or over the relevant part of the river below the level of mean high water springs and includes any projection over the river (whether or not situated within the order limits) by booms, cranes and similar plant or machinery;
- “vessel” means every description of vessel, however propelled or moved, and includes a non-displacement craft, a personal watercraft, a barge, a jack-up barrage, a seaplane or helicopter on the surface of the water, a hydrofoil vessel, a hovercraft or any other amphibious vehicle and any other thing constructed or adapted for movement through, in or over water and which is at the time in, on or over water.

### **Tidal works: approval of detailed design**

**63.—(1)** Not less than 60 business days before commencing a tidal work, the undertaker must submit to the Port Authority plans and sections of the tidal work, a navigational risk assessment, proposals for any lighting and laying down of buoys to secure the navigational safety of the river in the vicinity of the proposed tidal works (including any area over which public rights of navigation are proposed to be suspended), a timetable of the proposed tidal works and any proposed temporary closures of the relevant part of the river and such further particulars as the Port Authority may reasonably require.

(2) A tidal work may not be commenced except in accordance with plans and sections approved in writing by the Port Authority under this paragraph or deemed to have been approved or determined under paragraph 69.

(3) Any approval of the Port Authority required under this paragraph must not be unreasonably withheld or delayed but may be given subject to such reasonable conditions as the Port Authority may impose for the protection of—

- (a) traffic in, or the flow or regime of, the river;
- (b) the use of its operational land or the river for the purposes of performing its functions; or
- (c) the performance of any of its functions connected with environmental protection.

(4) Conditions imposed under sub-paragraph (3) may include conditions as to—

- (a) the proposed location of any temporary work and its dimensions;
- (b) the length of time that any temporary work may be kept in place;
- (c) the removal of any temporary work and the undertaking by the undertaker of any related work or operation that the Port Authority considers to be necessary for the purpose of removing or preventing any obstruction to navigation;
- (d) the relocation, provision and maintenance of works and moorings;

- (e) apparatus and equipment necessitated by the tidal work; and
- (f) the expiry of the approval if the undertaker does not commence construction or carrying out of the approved tidal work within a prescribed period.

(5) Subject to sub-paragraph (6), an application for approval under this paragraph is deemed to be given if it has been given or has not been refused within 25 business days of the specified day.

(6) In the event that the Port Authority requires further information pursuant to sub-paragraph (1), then the Port Authority must determine the submission submitted pursuant to that sub-paragraph as soon as reasonably practicable, but in any event no later than 45 business days from the specified day.

#### **Tidal works and temporary closure of the river Avon: notification requirements**

**64.**—(1) The undertaker must inform the Port Authority in writing of the intended start date and the likely duration of any tidal works at least 20 business days prior to the intended start date.

(2) The undertaker must inform the Port Authority in writing of all contractor and vessel details, including the name, type and IMO number of the vessel, the owner of the vessel or operating company and master's name and contact details, at least 20 business days prior to commencement of any tidal work.

(3) The undertaker must inform the Port Authority in writing of the timetable of any tidal works at least 20 business days prior to its proposed commencement.

(4) The undertaker must serve notice on the Port Authority no later than 20 business days prior to the proposed commencement date of any temporary closure of the relevant part of the river under article 39.

(5) Any such notice must provide the details of the proposed temporary closure of the relevant part of the river including particulars of—

- (a) commencement date;
- (b) duration; and
- (c) the affected area.

(6) Any temporary closure of the relevant part of the river must not take place except with the prior approval in writing of the Port Authority, such approval not to be unreasonably withheld or delayed, and in accordance with any reasonable conditions imposed by the Port Authority under this paragraph or determined under paragraph 69.

(7) The Port Authority may, in relation to any approval, impose reasonable conditions.

(8) Conditions imposed under sub-paragraph (7) may include conditions as to—

- (a) the limits of any area subject to temporary closure of the relevant part of the river;
- (b) the duration of any temporary closure;
- (c) the means of marking or otherwise providing warning in the river of any area affected by a temporary closure; and
- (d) the use by the undertaker of the area subject to any temporary closure so as not to interfere with any other part of the river or affect its use.

(9) For the purposes of this paragraph, the Port Authority must issue its notice to mariners within 10 business days of receipt of notice of the intended start date under sub-paragraph (1) or, if relevant, the date on which the Port Authority gives its approval under sub-paragraph (6) (whichever is the later).

(10) The undertaker must, as soon as reasonably practicable, notify the Port Authority of any changes to any of the details required to be provided under this paragraph, provided that any changes which affect, or may affect, navigation must be notified to the Port Authority immediately to enable it to issue an up-dated notice to mariners.

### **Communication plan**

**65.**—(1) The undertaker and the Port Authority must agree in writing (such agreement not to be unreasonably withheld or delayed) a communication plan 20 business days prior to commencement of any tidal works.

(2) All vessels associated with any tidal works must report to Bristol VTS Centre (VHF Channel 12) advising of their activities and movements when undertaking tidal works (including temporary closure of the relevant part of the river) in accordance with the communication plan agreed with the Port Authority under sub-paragraph (1).

### **General provisions as to construction of works including inspection**

**66.**—(1) A tidal work must, once commenced, be carried out by the undertaker with all reasonable dispatch and to the reasonable satisfaction of the Port Authority so that river traffic, the flow or regime of the river and the exercise of the Port Authority's functions must not suffer more interference than is reasonably practicable.

(2) The Port Authority is entitled at all reasonable times, on giving such notice as may be reasonable in the circumstances, to inspect and survey such operations.

### **Navigational safety, lights, buoys, etc.**

**67.**—(1) The undertaker must provide guard vessels to be positioned both upstream and downstream of the relevant part of the river during any tidal works and temporary closures of the river.

(2) The number and position of any such guard vessels must be agreed in advance in writing with the Port Authority, such agreement not to be unreasonably delayed or withheld.

(3) The undertaker must, at or near any tidal work, exhibit such lights, lay down such buoys and take such other steps for preventing danger to navigation as the Port Authority may from time to time reasonably require.

(4) All vessels must, at all relevant times, display lights, shapes and signals in accordance with all applicable law, regulation and international conventions.

(5) The Port Authority must give the undertaker not less than 20 business days' written notice of a requirement under sub-paragraph (3) except in the case of increased risk or emergency when the Port Authority must give such notice as is reasonably practicable.

(6) The undertaker must comply with any directions of the Port Authority given from time to time with regard to the lighting of tidal works, or the screening of such lighting, so as to ensure that it is not a hazard to navigation on the river.

### **Obstruction in the river**

**68.**—(1) If any pile, stump or other obstruction to navigation becomes exposed as a result of constructing any tidal work, or if any construction equipment or material is misplaced in or adjacent to the river and causes obstruction to navigation, the undertaker must, as soon as reasonably practicable after the receipt of notice in writing from the Port Authority requiring such action, remove it from the river or, in the case of any pile, stump or other obstruction to navigation, if it is not reasonably practicable to remove it—

- (a) cut the obstruction off at such level below the bed of the river as the Port Authority may reasonably direct; or
- (b) take such other steps to make the obstruction safe as the Port Authority may reasonably require.

(2) If, after such reasonable period as may be specified in a notice under this paragraph, the undertaker has failed to begin taking steps to comply with the requirements of the notice, or after beginning has failed to make reasonably expeditious progress towards their implementation, the

Port Authority may carry out the works specified in the notice and any expenditure reasonably incurred by it in so doing is recoverable from the undertaker.

## **Disputes**

**69.** Any dispute arising between the undertaker and the Port Authority under this Part must be determined by arbitration in accordance with article 49 (arbitration) unless otherwise agreed in writing by the undertaker and the Port Authority.

## **PART 7**

### **PROTECTION FOR THE ENVIRONMENT AGENCY**

**70.** The provisions of this Part have effect unless otherwise agreed in writing between the undertaker and the Agency.

**71.—(1)** In this Part—

“Agency” means the Environment Agency;

“Byelaws” means the byelaws set out in the Wessex Water Authority Land Drainage Byelaws 1981 that are not disapplied by Schedule 16 (amendment of local legislation);

“consented work” means a work that is required to be consented under the terms of the Water Resources Act 1991(a), the Land Drainage Act 1991(b) or the Byelaws, irrespective of any status as a statutory undertaker under those provisions;

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

“flood defence structure” means any valve, sluice, clyse, hatch, flashboard, flood gate, lasher, staunch gates, paddle, penstock, lock, weir, dam, pumping machinery, pump, pipe or other structure or appliance for controlling, measuring or regulating the level of water or the flow of water into, in or out of a main river or for drawing water from or delivering water into a main river.

(2) A reference in article 47(2) (amendment of local legislation) to a “structure” is to be taken, for the purposes of that article, to be a flood defence structure if it is of the nature identified in sub-paragraph (1).

**72.** The undertaker must not open or close or interfere with any flood defence structure without first obtaining the consent of the Agency in writing.

**73.—(1)** The undertaker must give the Agency at least 28 days’ written notice of any intention to use any bank of a main river, drainage work, river-control work or land within 8 metres of the bank or work for the purpose of depositing, stacking, storing or keeping any rubbish, goods, any materials or things whatsoever adjacent to it.

(2) The Agency must either consent (with or without conditions) or object to the notice.

(3) If within 14 days, no response is given, the Agency is deemed to have consented to the notice as submitted.

(4) The undertaker must take all reasonable care in depositing, stacking, storing or keeping any rubbish, goods, materials or things upon any drainage work not to cause damage to the drainage work and must take all reasonable care to minimise the risk of objects or matter entering or falling into a main river such as to cause an obstruction.

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(a) 1991 c. 57.

(b) 1991 c. 59.

(5) If entry of an object or matter into a main river occurs, it must, except with consent of the Agency, be removed promptly by the undertaker.

**74.**—(1) The undertaker must give at least 28 days’ written notice to the Agency of any proposal to remove from the Order land any notice board, notice or placard put up by the Agency.

(2) The undertaker may use all reasonable endeavours to relocate any notice board, notice or placard removed under sub-paragraph (1) to a suitable alternative location and must agree with the Agency such suitable location.

**75.**—(1) If by reason of the storage or deposit of materials or the construction of any consented work, or of the failure of any such work, the efficiency of any flood defence structure or drainage work for flood defence purposes is impaired, or that flood defence structure or drainage work is otherwise damaged, such impairment or damage must be made good by the undertaker to the reasonable satisfaction of the Agency; and if the undertaker fails to do so within such reasonable period as the Agency may require by notice in writing to the undertaker, the Agency may make good such impairment or damage and recover from the undertaker the expense reasonably incurred by it in so doing.

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

**76.** Unless otherwise agreed, any dispute or difference arising between the Agency under this Part (other than a difference as to the meaning or construction of this Part) must be settled by arbitration in accordance with article 49 (arbitration).

## PART 8

### PROTECTION FOR RWE GENERATION UK PLC

**77.** The provisions of this Part have effect unless otherwise agreed in writing between the undertaker and RWE.

**78.** In this Part—

“apparatus” means any of the following apparatus within the Order limits, namely wharf offloading facilities at Portbury, fuel stocking areas at Portbury, a tunnel beneath the River Avon, bulk handling terminal conveyors, fuel hoppers, refuelling points, freight connection onto the railway network, site offices and car park, belonging to or maintained by RWE for the purposes of loading, unloading, stocking and transporting of fuel (including but not limited to coal) for the purposes of fuelling Aberthaw Power Station or providing services to any other third parties; and includes any structure in which apparatus is or to be lodged or which gives or will give access to apparatus.

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

“RWE” means RWE Generation UK plc (company registration number 3892782) and any associated company of RWE Generation UK plc which holds an interest in the apparatus; and for the purpose of this definition “associated company” means any company which is (within the meaning of section 1159 of the Companies Act 2006) the holding company of RWE Generation UK plc, a subsidiary of RWE Generation UK plc or another subsidiary of the holding company of RWE Generation UK plc;

“specified works” means so much of any of the authorised development as is situated upon, across, under, or over parcels 107, 110, 187, 188, 189, 190, 191, 195, 197, 199 and 201 in Section G of the Book of Reference (being parcels in which RWE has an interest) or that are near to, or will or may in any way adversely affect the apparatus.

**79.** Despite any provision of this Order or anything shown on the Land Plans, the undertaker must not acquire any apparatus otherwise than by agreement.

**80.** 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 or under any other statutory power, and any right of RWE to use, maintain, or renew that apparatus in that land must not be extinguished.

**81.—**(1) Not less than 56 days before starting the execution of specified works, the undertaker must submit to RWE a plan, section and description of the works to be executed.

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

(3) Any requirements made by RWE under sub-paragraph (2) must be made within a period of 56 days beginning with the date on which a plan, section and description under sub-paragraph (1) are submitted to it.

(4) Where RWE requires any protective works under sub-paragraph (2) to be carried out either by itself or by the undertaker (whether of a permanent or temporary nature), the protective works must be carried out to RWE's reasonable satisfaction prior to the carrying out of the specified works.

(5) Nothing in this paragraph precludes the undertaker from submitting at any time or from time to time, but in no case less than 56 days before commencing the execution of any works, a new plan, section and description instead of the plan, section and description previously submitted, and having done so the provisions of this paragraph apply to and in respect of the new plan, section and description.

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

**82.** The undertaker must pay to RWE the proper and reasonable expenses reasonably incurred by RWE in, or in connection with, the inspection, alteration or protection of any apparatus.

**83.—**(1) Subject to sub-paragraph (3), if by reason, or in consequence, of the construction, use, existence, operation or failure of any specified works or in consequence of the construction, use, existence, operation, maintenance or failure of any of the authorised development 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 or property of RWE, or to operations, or there is any interruption in any service provided to RWE or by RWE, or in the supply of any goods to RWE or by RWE, or RWE becomes liable to pay any amount to any third party, the undertaker must—

- (a) bear and pay on demand the proper and reasonable cost reasonably and properly incurred by RWE in making good such damage or restoring operations, services or supply; and
- (b) indemnify RWE for any other expenses, loss (whether direct or indirect and including losses of an economic nature), demands, proceedings, damages, claims penalty or costs incurred by or recovered from RWE, by reason or in consequence of any such damage or interruption or RWE becoming so liable to any third party.

(2) The fact that any act or thing may have been done by RWE on behalf of the undertaker or in accordance with a plan approved by RWE or in accordance with any requirement of RWE or its supervision does not (subject to sub-paragraph (3)) excuse the undertaker from liability under sub-paragraph (1).

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

(4) RWE must give the undertaker reasonable notice (being not less than 28 days) of any claim or demand, and no settlement or compromise may be made without the consent of the undertaker (not to be unreasonably withheld or delayed) which, if it reasonably withholds such consent, has the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand.

## PART 9

### PROTECTION FOR CLH PIPELINE

**84.** The provisions of this Part have effect for the protection of the CLH undertaker referred to in this Part unless otherwise agreed in writing between the undertaker and the CLH undertaker.

**85.** In this Part—

“alternative apparatus” means alternative apparatus adequate to enable the CLH undertaker to fulfil its statutory functions in a manner not less efficient than previously;

“apparatus” means the pipeline, or any part of it, belonging to or maintained by the CLH undertaker, which is within the Order limits, and includes any structure in which that apparatus is or is to be lodged or which gives or will give access to apparatus;

“functions” includes powers and duties;

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

“CLH undertaker” means CLH Pipeline Systems (CLH-PS) Limited (registered company number 09497223) or any successor in title to the CLH undertaker in respect of the apparatus.

**86.** Despite any provision of this Order or anything shown on the Land Plans, the undertaker must not acquire any apparatus otherwise than by agreement.

**87.—(1)** If, in the exercise of the powers conferred by this Order, the undertaker acquires any interest in any land in which the apparatus is placed, that apparatus must not be removed under this Part and any right of the CLH undertaker to maintain that apparatus in that land must not be extinguished until alternative apparatus has been constructed and is in operation to the reasonable satisfaction of the CLH undertaker.

(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 CLH undertaker written notice of that requirement, together with a plan and section of the work proposed.

(3) If alternative apparatus or any part of such apparatus is to be constructed as a consequence of the removal of apparatus placed in the land referred to in sub-paragraph (2), the CLH undertaker, must on receipt of a written notice to that effect from the undertaker, as soon as reasonably possible use its best endeavours to obtain the necessary facilities and rights in other land in which the alternative apparatus is to be constructed

(4) The CLH undertaker must, after the alternative apparatus to be provided or constructed has been agreed or settled by arbitration in accordance with article 49, and after the grant to the CLH undertaker of any such facilities and rights as are referred to in sub-paragraph (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.

(5) Regardless of anything in sub-paragraph (4), if the undertaker gives notice in writing to the CLH undertaker that it desires itself to execute any work, or part of any work in connection with the construction or removal of apparatus, that work, instead of being executed by the CLH undertaker, must be executed by the undertaker without unnecessary delay under the superintendence, if given, and to the reasonable satisfaction of the CLH undertaker.

(6) Nothing in sub-paragraph (5) 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.

**88.**—(1) Not less than 28 days before starting the execution of any works of the type referred to in paragraph 87(2) that are near to, or will or may affect, any apparatus the removal of which has not been required by the undertaker under that sub-paragraph, the undertaker must submit to the CLH undertaker a plan, section and description of the works to be executed.

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

(3) Any requirements made by the CLH undertaker under sub-paragraph (2) must be made within a period of 28 days beginning with the date on which a plan, section and description under sub-paragraph (1) are submitted to it.

(4) If the CLH 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, paragraph 87 applies as if the removal of the apparatus had been required by the undertaker under sub-paragraph (2) of that paragraph.

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

(6) The undertaker is not required to comply with sub-paragraph (1) in a case of emergency but in that case it must give to the CLH undertaker notice as soon as is reasonably practicable and a plan, section and description of the works referred to in sub-paragraph (1) as soon as reasonably practicable subsequently and must comply with sub-paragraph (2) in so far as is reasonably practicable in the circumstances.

**89.**—(1) Subject to the following provisions of this paragraph, the undertaker must repay to the CLH undertaker the proper and reasonable expenses reasonably incurred by the CLH undertaker in, or in connection with, the inspection, removal, alteration or protection of any apparatus.

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

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

(a) apparatus of better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions; or

(b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was,

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker or, in default of agreement, is not determined by arbitration in accordance with article 49 (arbitration) to be necessary, then, if such placing involves cost in the construction of works under this Part exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to the CLH undertaker by virtue of sub-paragraph (1) is to be reduced by the amount of that excess.



(4) For the purposes of sub-paragraph (3), the extension of the apparatus to a length greater than the length of the existing apparatus is not to be treated as a placing of apparatus of greater dimensions than those of the existing apparatus.

(5) An amount which apart from this sub-paragraph would be payable to the CLH undertaker in respect of works by virtue of sub-paragraph (1) 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 CLH 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.

SCHEDULE 16

Article 47

AMENDMENT OF LOCAL LEGISLATION

PART 1

LOCAL ENACTMENTS

<i>Year</i>	<i>Chapter</i>	<i>Title</i>	<i>Section</i>
1801	c. 72	An Act for draining, preserving from Water, and improving certain low Lands and Grounds, lying within the several Parishes or Chapelries of North Wooton, Pilton, West Pennard, Baltonsborough, Barton Saint David, Butleigh, Street, Glaston Saint John, Glaston Saint Benedict, Walton, Ashcot, Shapwick, Moorlinch, Catcott, Chilton, Edington, Cossington, Woolavington, Huntspill, East Brent, South Brent, Mark, Wedmore, Meare, Burnham, Badgworth, Baddisham, Chapel Allerton, Were, Puriton, Pawlet, Wookey, and the Outparish of Saint Cuthbert in Wells, all in the County of Somerset	Section XLIX (penalty for damaging any works or obstructing the execution of the Act)
1802	c. 58	An Act for draining, preserving from Water, and improving, certain Low Lands and Grounds, lying within the several Parishes or Chapelries of Wookey, Westbury, Rodney-Stoke, Wedmore, Mear, Weare, Nyland, Badgworth, Biddisham, East Brent, South Brent, Cheddar, Axbridge, Compton Bishop, Loxton. Bleadon, Brean, Berrow, and Lympsham, all improving the Navigation of the River Axe, within the said Parishes of Bleadon, Lympsham, Loxton, East Brent, Compton Bishop, Biddisham, Badgworth, Weare, and Axbridge, some or One of them above and from a certain Place called Southern Mead Barrs, situate within the said Parish of Bleadon	Section XLV (penalty for damaging any works or obstructing the execution of the Act)
1819	c. lxxvi	An Act for draining, preserving from Water, and improving certain low Lands and Grounds, lying in the several Parishes of Congresbury, Puxton, Winscombe, Banwell, Churchill, Kewstoke, Week Saint Lawrence, and Yatton, in the County of Somerset	Section LI (penalty for damaging any works or obstructing the execution of the Act)
1836	c. xxxvi	An Act for making a Railway from Bristol to Exeter, with Branches to the Towns of Bridgwater in the County of Somerset and Tiverton in the County of Devon	Section CCXI (penalty on persons obstructing the course of railway)
1837	c. lxxxv	An Act for removing and preventing Encroachments within the City and County of Bristol, and for better regulating the Shipping, Rivers, Wharfs, Backs, and Quays, and the Markets within the same, and for other Purposes	Section XVIII (for preventing nuisances &c.)
1871	c. cxcvi	Bridgwater Waterworks Act	Section 11 (penalty for fouling water)
1877	c. xxxvi	Somersetshire Drainage Act	Section 69 (commissioners, &c.)

<i>Year</i>	<i>Chapter</i>	<i>Title</i>	<i>Section</i>
			may remove obstructions) Section 134 (penalty for draining into sewers or fouling watercourses)
1903	c. ccxiv	Somerset and District Electric Power Act	Section 41 (as to overhead wires across main roads)

## PART 2

### BYELAWS

<i>(1)</i> <i>Title</i>	<i>(2)</i> <i>Byelaw to be disapplied</i>
Wessex Water Authority Land Drainage Byelaws 1981	Byelaw 7(b) (placing matter near river) Byelaw 21 (deposit of materials on bank) Byelaw 29 (disposal of soil) Byelaw 30 (obstruction of Authority's officers) Byelaw 31 (damage to notice boards)
Lower Severn Land Drainage Byelaws 2001	Byelaw 3 (control of introduction of water and increases in flow or volume of water) Byelaw 7 (detrimental substances not to be put into watercourses) Byelaw 14 (vehicles not to be driven on banks) Byelaw 15 (banks not to be used for storage) Byelaw 17 (fences, excavations, pipes etc.) Byelaw 24 (damage to property of the Board) Byelaw 26 (obstruction of the Board or officers)
North Somerset Levels Internal Drainage Board Land Drainage Byelaws 2004	Byelaw 3 (control of introduction of water and increases in flow or volume of water) Byelaw 7 (detrimental substances not to be put in watercourses) Byelaw 14 (vehicles not to be driven on banks) Byelaw 15 (banks not to be used for storage) Byelaw 17 (fences, excavations, pipes, etc.) Byelaw 24 (damage to property of the Board) Byelaw 26 (obstruction of the Board and officers)
Parrett Internal Drainage Board Drainage Byelaws 2006	Byelaw 3 (control of introduction of water and increases in flow or volume of water) Byelaw 7 (detrimental substances not to be put in watercourses) Byelaw 14 (vehicles not to be driven on banks) Byelaw 15 (banks not to be used for storage) Byelaw 17 (fences, excavations, pipes, etc.) Byelaw 24 (damage to property of the Board) Byelaw 26 (obstruction of the Board and officers)
Axe Brue Internal Drainage Board Land Byelaws 2012	Byelaw 3 (control of introduction of water and increases in flow or volume of water) Byelaw 7 (detrimental substances not to be put in watercourses)

<i>(1)</i> <i>Title</i>	<i>(2)</i> <i>Byelaw to be disapplied</i>
	Byelaw 14 (vehicles not to be driven on banks) Byelaw 15 (banks not to be used for storage) Byelaw 17 (fences, excavations, pipes, etc.) Byelaw 24 (damage to property of the Board) Byelaw 26 (obstruction of the Board and Officers)

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order grants development consent to National Grid Electricity Transmission Ltd (“National Grid”) for authorised works to the national electricity transmission system between Hinkley Point and Seabank. The proposed development is required to provide sufficient transmission capacity to enable the connection of new electricity generation projects in the region including the Hinkley Point C nuclear power station, and to carry out all associated works.

In order to accommodate these works, this Order also grants development consent to Western Power Distribution (South West) plc, in addition to National Grid, for the reconfiguration of the local electricity network (including the removal of the existing 132,000 volt overhead line between Bridgewater and Avonmouth substations).

The Order also makes provision in connection with the maintenance of the authorised development.

The Order allows National Grid to acquire compulsorily or by agreement, land and rights in land and to use land for this purpose and WPD to acquire compulsorily rights in land and to use the land in connection with the reconfiguration of the local electricity network.

A copy of the plans and Book of Reference referred to in this Order and certified in accordance with article 44 of this Order may be inspected free of charge during working hours at the offices of National Grid Electricity Transmission plc, 1-3 Strand, London, WC2N 5EH.

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