

## SCHEDULES

### SCHEDULE 9

#### PROTECTIVE PROVISIONS

#### PART 6

#### ENVIRONMENT AGENCY

**61.**—(1) The following provisions will apply for the protection of the Agency unless otherwise agreed in writing between the undertaker and the Agency.

(2) In this part of this Schedule—

“the Agency” means the Environment Agency;

“emergency” means a situation which—

- (a) is unexpected, in that there is little or no warning, or aspects of the event could not have reasonably been predicted in advance;
- (b) is a serious event presenting a risk of harm or damage to people, property or the environment; and
- (c) requires a need for urgent action, in that immediate action is required to address the risk of harm, repair or prevent a worsening of the situation; and

“relevant watercourse” means so much of the River Etherow as the context requires.

#### Commencement Information

**11** Sch. 9 para. 61 in force at 7.12.2022, see [art. 1](#)

**62.**—(1) Where in the exercise of the powers conferred by this Order, the undertaker proposes to interfere with or obstruct access by the Agency to a relevant watercourse, it must give the Agency 56 days’ written notice of that requirement.

(2) Except in cases of emergency where the undertaker interferes with or obstructs access by the Agency to a relevant watercourse and it is not possible for the undertaker to give the Agency the notice required under sub-paragraph (1), a suitable alternative access must be provided prior to and for the duration of any such interference.

#### Commencement Information

**12** Sch. 9 para. 62 in force at 7.12.2022, see [art. 1](#)

**63.** If, in the exercise of the powers conferred by this Order, the undertaker acquires any interest of the Agency in any land or proposes to interfere with, or remove, any of the Agency’s apparatus it must give the Agency 56 days’ written notice before any such interest is acquired or any apparatus is interfered with or removed.

**Changes to legislation:** There are currently no known outstanding effects for the The A57 Link Roads Development Consent Order 2022, PART 6. (See end of Document for details)

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**Commencement Information**

**I3** Sch. 9 para. 63 in force at 7.12.2022, see [art. 1](#)

**64.** The undertaker must indemnify the Agency in respect of all costs, charges and expenses which it may reasonably incur or which it may sustain in the examination of approval of plans or other matters under this Part of this Schedule.

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**Commencement Information**

**I4** Sch. 9 para. 64 in force at 7.12.2022, see [art. 1](#)

**65.** Any dispute arising between the undertaker and the Agency under this Part of this Schedule is to be determined in accordance with article 44 (arbitration).

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**Commencement Information**

**I5** Sch. 9 para. 65 in force at 7.12.2022, see [art. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The A57 Link Roads Development Consent Order 2022, PART 6.